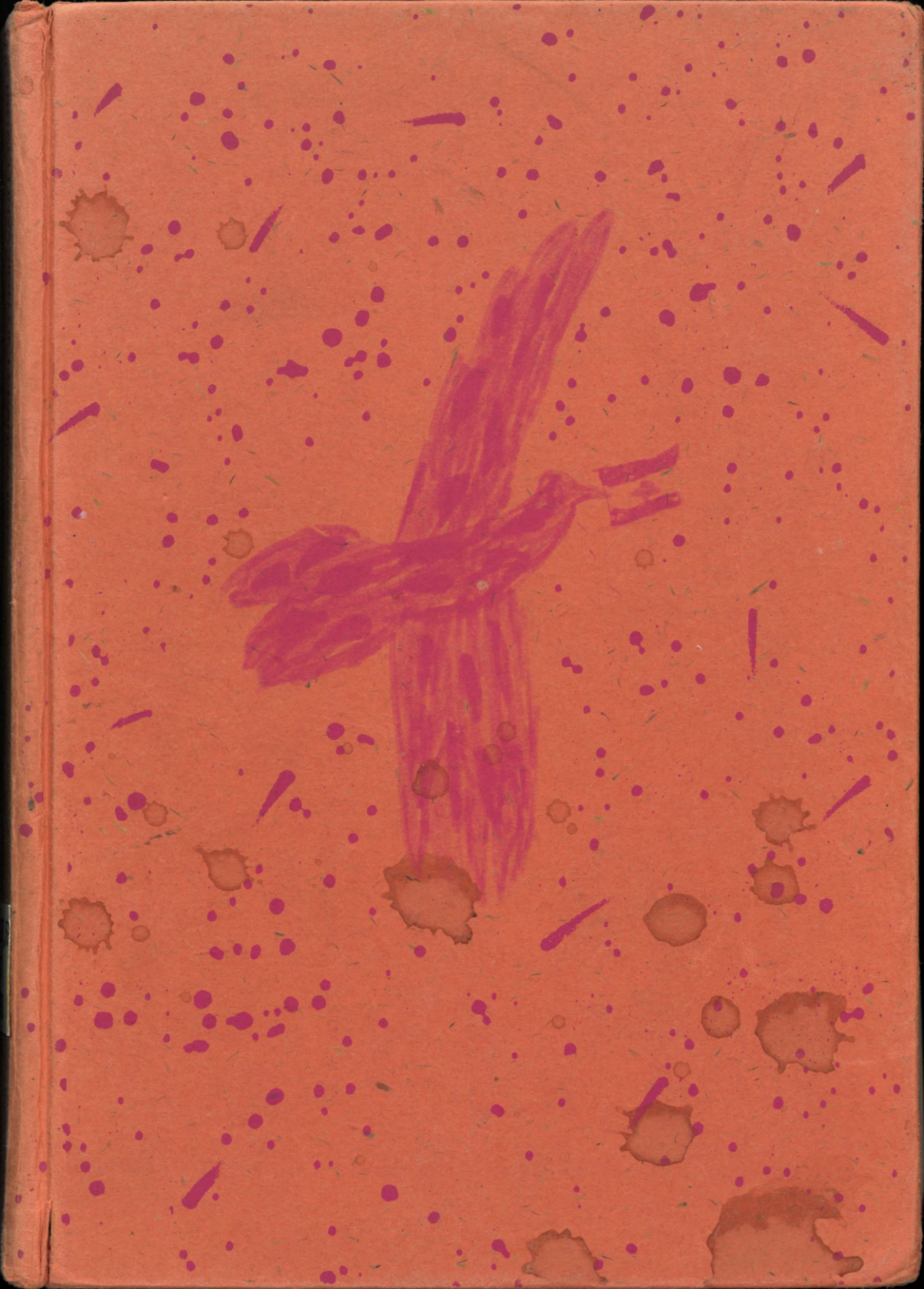


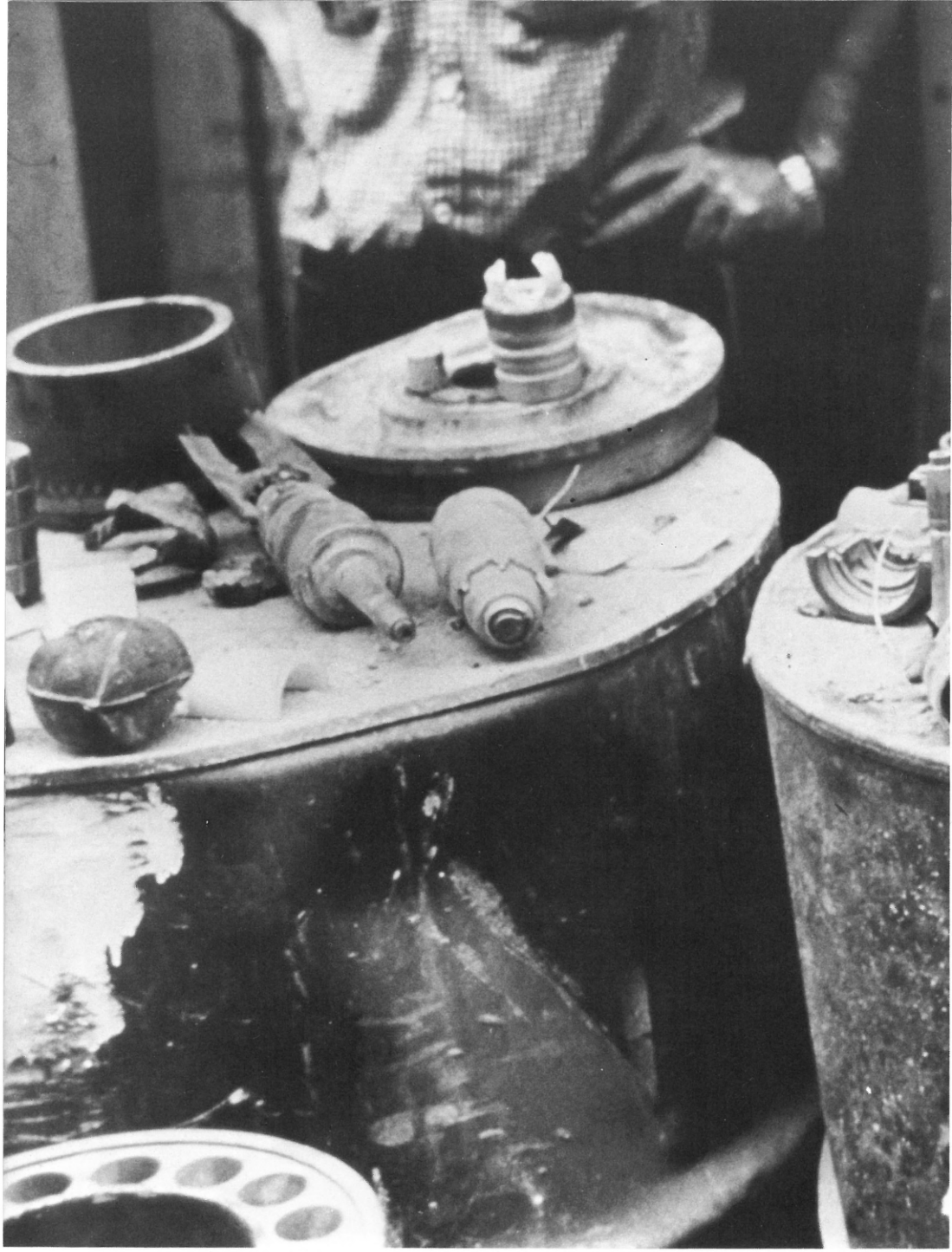
خالد ابو سعدو ١١ سنة
القدس والسلاح
صوت ليبيش شعبه

photo by Hirokawa Ryuichi

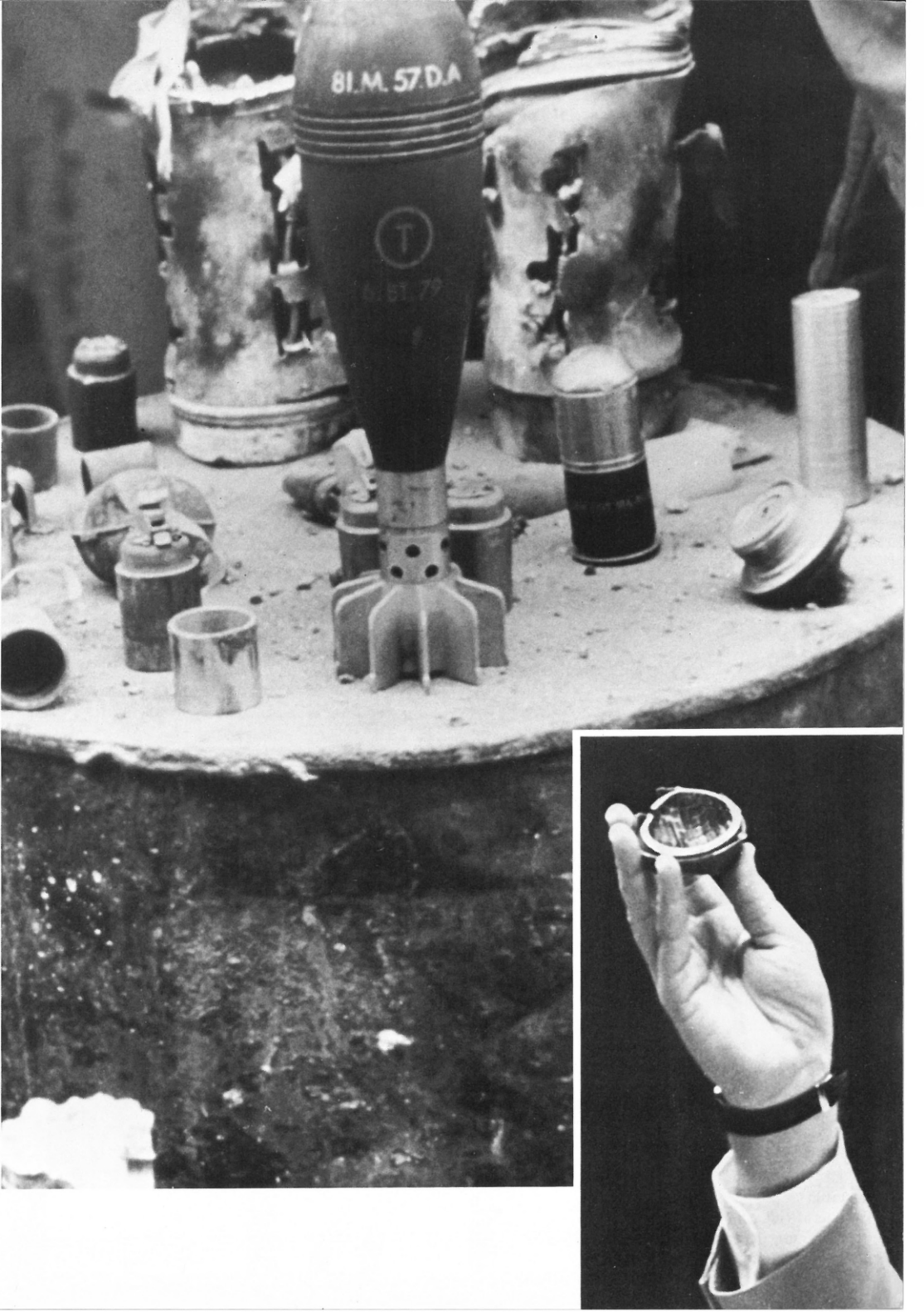
photo by Witness Nagakura Hiromi

התופת בבירות

photo by Witness Nagakura Hiromi



upper Some of the weapons used against Lebanese and Palestinians (Photo by Witness Troy Rusli)
right Witness Franklin Lamb holding a cluster-bomb fragment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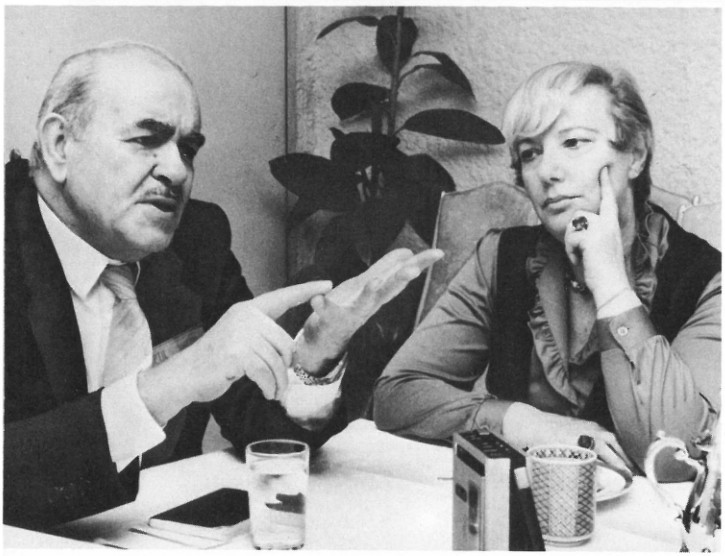
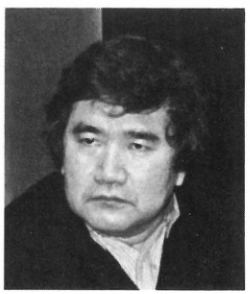


Conversation seeking for Peace and Justice.
–Witness Jamal Surani, A Member of the PLO Executive Committee and the Secretary-General of the Palestinian Jurists Union (left).
—Witness Felicia Langer, An Israeli Jurist (right).

—A Photo from *the Asahi*, March 23, 1983.



Secretariat
—Shiboh Mitsukazu (left)
—Itagaki Yuzo (middle)
—Oda Makoto (right)

THE ISRAELI INVASION OF LEBANON, 1982

THE ISRAELI INVASION OF LEBANON, 1982

Inquiry by the International People's Tribunal, Tokyo

Edited by

ITAGAKI Yuzo, ODA Makoto,

and SHIBOH Mitsukazu

SANYUSHA

Tokyo

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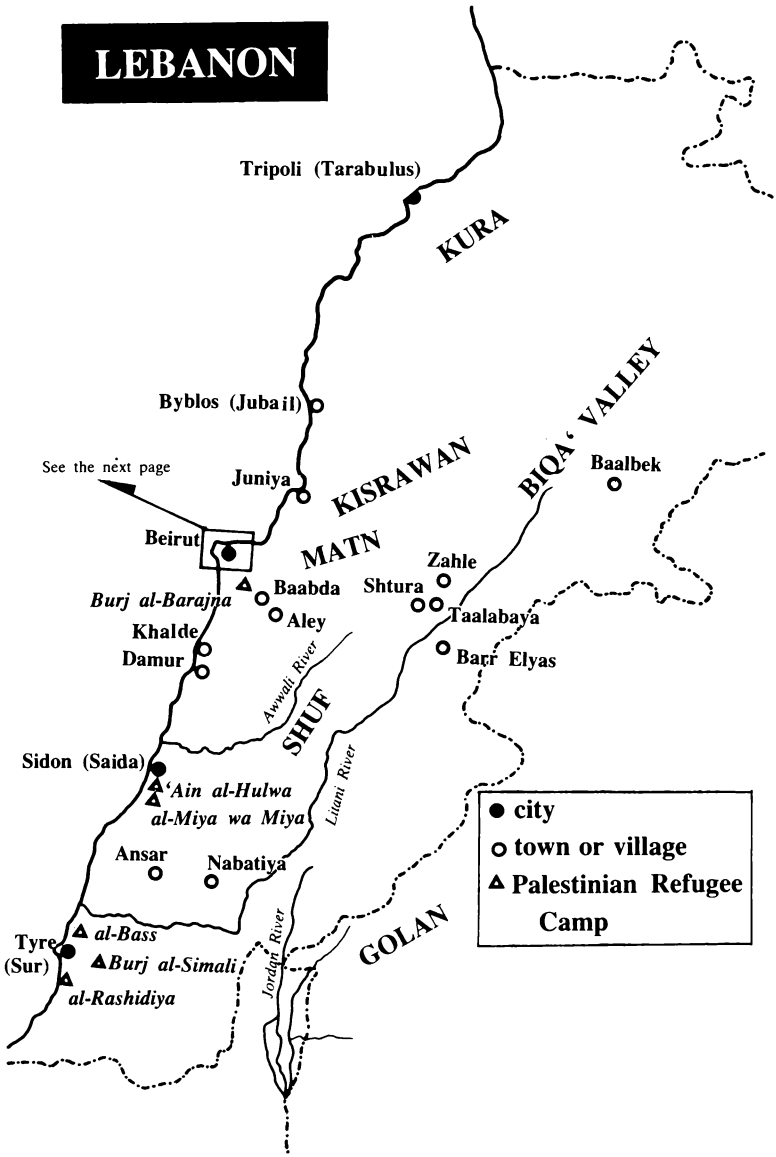
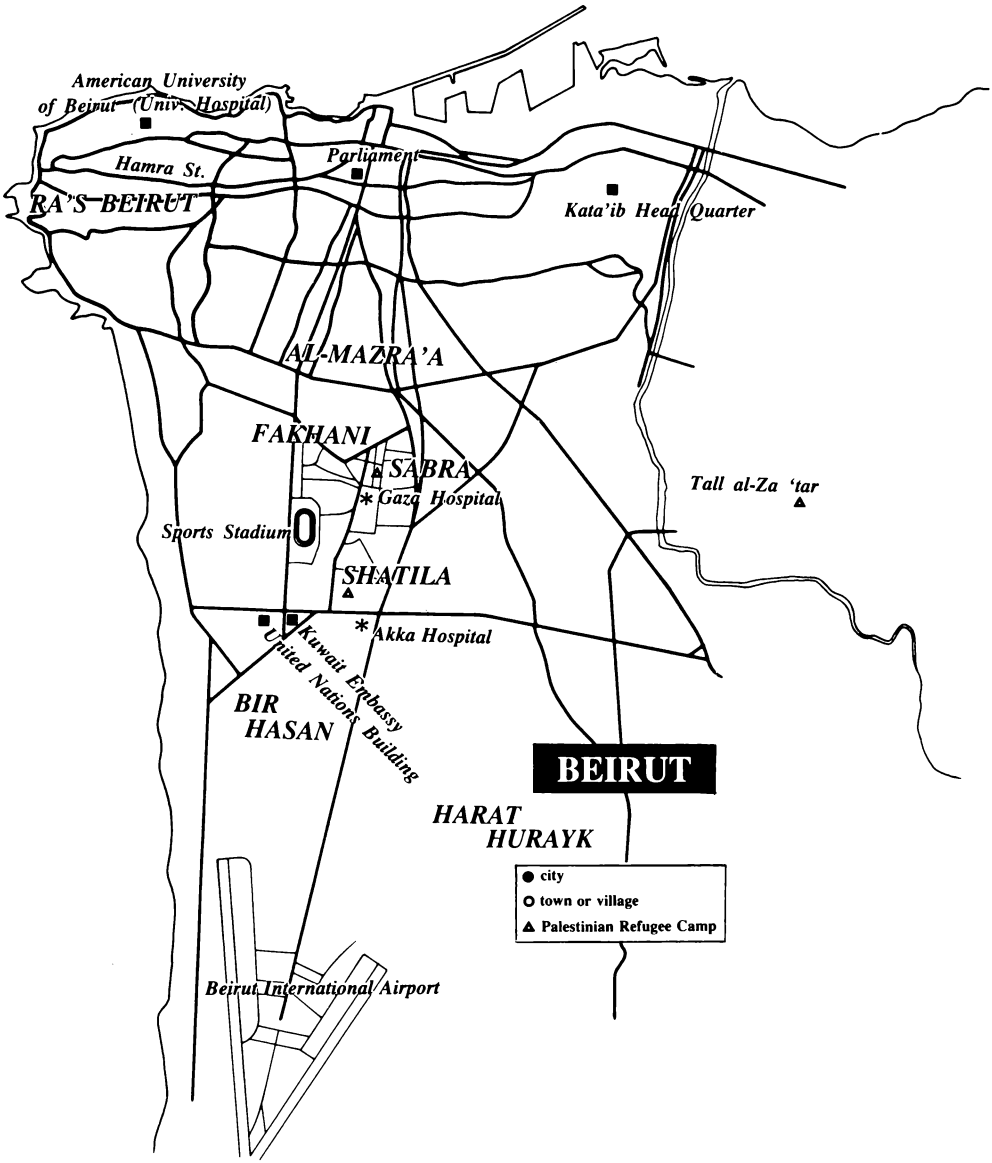

LEBANON
Tripoli (Tarabulus)
KURA
Byblos (Jubail)
See the next page
Juniya
KISRAWAN
BIQA' VALLEY
Baalbek
Beirut
MATN
Zahle
Baabda
Shtura
Burj al-Barajna
Aley
Taalabaya
Khalde
Damur
Barr Elyas
Awwali River
SHUF
Sidon (Saida)
'Ain al-Hulwa
al-Miya wa Miya
Litani River
Ansar
Nabatiya
al-Bass
Tyre
(Sur)
Burj al-Simali
al-Rashidiya
Jordan River
GOLAN
city
town or village
Palestinian Refugee Camp

ISRAEL AND OCCUPIED TERRITORIES
GALILEE
Akka (Acre)
Haifa
Tiberias
Lake Tiberias (Sea of Galilee)
Nazareth
Megiddo
Afula
Beisan
Jenin
Tulkarm
Nablus
Qalqiliya
WEST BANK
Tel Aviv-Yaffa
Kafr Qasim
Qibya
Lydda
Bir Zeit
Ramallah
Ramle
Bira
Jericho
Latrun
Deir Yasin
Jerusalem
Bethlehem
Nahhalin
Beit Sahur
Halhul
Gaza
Hebron (al-Khalil)
Dead Sea
Khan Yunis
Beersheba
NEGEB
city
town or village
Territories Occupied Since 1967


American University of Beirut (Univ. Hospital)
Hamra St.
Parliament
RA'S BEIRUT
Kata'ib Head Quarter
AL-MAZRA'A
FAKHANI
SABRA
Gaza Hospital
Tall al-Za 'tar
Sports Stadium
SHATILA
Akka Hospital
Kuwait Embassy
United Nations Building
BIR HASAN
BEIRUT
HARAT HURAYK
city
town or village
Palestinian Refugee Camp
Beirut International Airport

A CHRONOLOGY OF THE INVASION

June—September 1982

3 June	Attempted assassination in London of Israeli ambassador to England.
4 June	Israeli airforce bombs West Beirut and south Lebanon in retaliation.
6 June	Israeli invades Lebanon by air, land, and sea. Operation "Peace for Galilee" begins.
15 June	Refugee camp of 'Ain al-Hulwa near Sidon overrun by Israeli Defense Forces (IDF).
20 June	Begin visits Washington as bombardment of Beirut continues.
26 June	IDF drops leaflets on West Beirut urging civilians to flee.
3 July	About 100,000 Israelis demonstrate against war in Tel Aviv.
3 July	Total Israeli blockade of West Beirut.
4 July	Electricity and water to West Beirut cut off.
7–11 July	West Beirut heavily bombarded.
23 July	Foreign Minister Yitzhak Shamir declares Operation "Peace for Galilee" had full approval of Washington.
1 August	Fourth and most severe bombardment of Beirut begins.
12 August	Siege of Beirut lifted following heaviest bombardment of war.
19 August	Israel agrees to Habib plan.
21–25 August	Multinational peace-keeping forces arrive.
21 August	PLO begins to evacuate.
10–13 September	U.S., French, and Italian multinational troops pull out of Beirut.
14 September	Bashir Gemayel, elected president of Lebanon on August 23, is killed in bomb blast at Phalangist Headquarters in East Beirut.
15 September	Israel invades West Beirut.
16–18 September	Israeli forces occupy West Beirut, encircle refugee camps of Sabra and Shatila. Phalangist troops enter camps and carry out massacre.
23 September	Multinational forces return to West Beirut.
25 September	400,000 Israelis demonstrate against massacres, demand resignation of Begin and Sharon.
26 September	IDF pulls out of West Beirut. Lebanese army enters, begins mopping-up operations.

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OPENING REMARKS

Millions of people throughout the world reacted with shock and disbelief when news of the Israeli invasion of Lebanon broke in early June 1982. As atrocity followed atrocity, the intensive bombardment of a civilian population escalating throughout the summer months, shock turned to outrage. Unwilling to stand idly by, women and men everywhere began to ask themselves what they could do to stop the slaughter. The massacre of unarmed Palestinian refugees at Sabra and Shatila camps in Beirut in mid-September stunned the conscience of the world, strengthening the conviction that something had to be done. The International People's Tribunal on the Israeli Invasion of Lebanon (IPTIL) had its origin in this simple but universal human response.

Following the events in the media, I, too, felt revulsion and anger, the same resolve. Acting on the urgency of this impulse, I consulted Professor Itagaki Yuzo and Mr. Shiboh Mitsukazu in the summer of 1982 and proposed the idea of convening a "people's tribunal." Both were quick to point out the many practical difficulties that would attend such an undertaking, but they agreed immediately with the basic concept: The people of the world are not powerless but need a forum through which to make their voices heard.* The project bore fruit, materializing in the IPTIL hearings held in Tokyo between March 18 and 21, 1983. The tribunal's success attests to the determination of many people in many lands that the popular outcry against the invasion be loud and clear. These proceedings are the result of this collective effort.

As the following testimonies make clear, the weapons of advanced design employed by Israeli forces against the population of Lebanon possessed a destructive power unprecedented in the history of conventional warfare. Assuming grotesque proportions, the Israeli invasion redefined the very notion of modern conventional war.

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* The ideas that guided the tribunal at its inception may be found in the "Fundamental Principles" (Appendix IV).

Eyewitnesses have described vividly in these pages the appalling effects of these superweapons on human beings. After Lebanon, the antiwar movement can no longer ignore in good conscience the horrors of what amounts to nuclear war "minus the nukes" in its plea for nuclear disarmament and world peace. Nor must we forget that this new type of warfare was first waged against a people struggling for the right of self-determination and national liberation.

The IPTIL was convened to call these facts to world attention. Its success has shown that concerned men and women of different nationalities, political beliefs, and religious creeds are capable of acting together on behalf of all humanity to uphold social justice and defend human rights when these are violated. The tribunal has publicized the facts of the Israeli invasion of Lebanon and rendered its "verdict." It is now up to the peoples of the world to carry out the "sentence" by working, each in their own way, to restore Palestinian rights and achieve a just peace in the Middle East.

ODA Makoto

The age when international relations were a privileged arena controlled by the policies of governments is past. Popular political opinions and behavior, more diversified and pronounced today in every nation, have come to exercise a direct influence on the conduct of world politics. Among Lebanese, Israelis, and even Palestinians themselves, popular attitudes and actions are sharply divided; opposing ideologies and conflicting interests have created a serious crisis in the Middle East. The desire of political strategists to turn this crisis to their advantage, however, has produced the opposite effect: The peoples of the region have reacted against political manipulation by strengthening their demands for a democratic reorganization of international relations as they now exist. These demands can no longer be ignored.

The men and women who participated in the International People's Tribunal on the Israeli Invasion of Lebanon have been involved in these events in various capacities. They represent a broad spectrum of religious belief and political opinion. The effort of so many from so many countries to confront their differences in order to

discover together a common truth is a worthy experiment in harmony with the spirit of the new age.

The IPTIL is an independent forum organized by free individuals convinced of the need to examine critically, from a people's perspective, the conventional approach to the "management" of world politics. They gathered in Tokyo to listen to eyewitnesses who actually experienced the horrors unleashed by the planners and perpetrators of the war in Lebanon. They came to learn the truth about what happened there and study ways of preventing the recurrence of similar events.

The IPTIL experience has given expression to the aspirations of people for a democratic restructuring of international relations based on the principles of moral justice and human decency. We have discovered that the tribunal is also an effective way of realizing these aspirations. As a student of historical science, I have also come to appreciate the implications of this approach to world problems for the study of history.

The problem of Palestine by its nature is a global concern that affects the entire world. The convening of the IPTIL in Tokyo therefore has a special relevance for Japan: It signifies that many Japanese are dissatisfied with their country's role as "economic" superpower and are intent on making a meaningful contribution to the cause of peace in the Middle East and the world.

ITAGAKI Yuzo

EDITORIAL NOTE

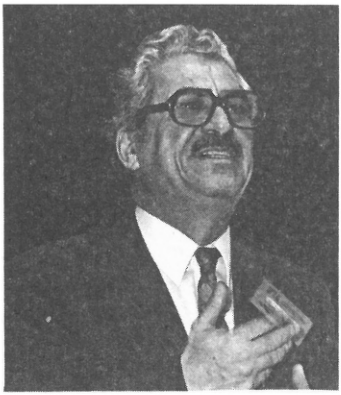
The testimonies have been arranged in the order in which they were originally presented to the jury so as to reproduce, as closely as possible, the actual process of the tribunal. In preparing the proceedings for publication, however, minor changes have been introduced. These involve, for the most part, the elimination of redundancies and the partial reorganization of certain texts to enhance clarity and preserve thematic unity. Except where indicated otherwise, the editing of documents submitted to the jury by witnesses in support of their testimonies has been kept to a strict minimum.

Presentations were given in Japanese, English, and French with simultaneous translation provided into English and Japanese. In the rare instances where a juror's inquiry arises from an obvious misunderstanding, it has been deleted.

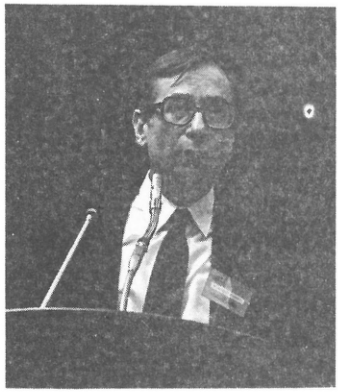
Lebanese place names commonly recognized outside of the Middle East have been retained to avoid confusion. For example, Tyre is used instead of Sur, Sidon instead of Saida. Arabic personal and place names have been transcribed to read as closely as possible to their written Arabic pronunciation. In accordance with East Asian practice, East Asian names appearing in the proceedings are given family name first. Finally, to avoid cumbersome footnotes, explanatory information has been inclosed in brackets or incorporated into the text.

Testimonies I

The Invasion of Lebanon: An Overview

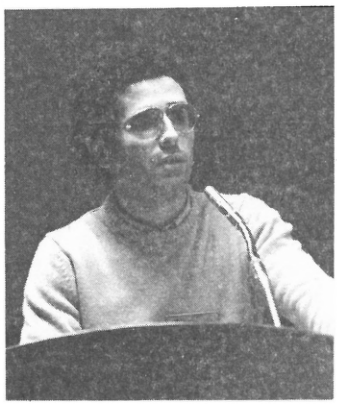


Tawfiq Zayyad



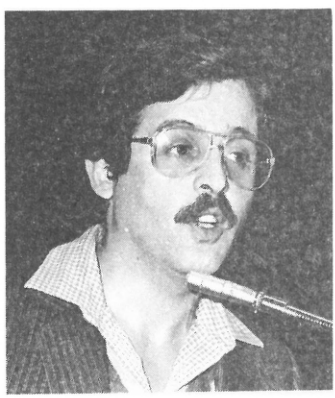
Albert Farhat

Amnon Zichroni



Franco Cancellieri

Franklin Lamb



Asad Abd al-Rahman

An Arab Palestinian in Israel

Tawfiq Zayyad,
Mayor of Nazareth

I would like to draw your attention to two very important points. First, there is a great danger of renewed aggression in the Middle East. Not only are we facing continuous Israeli occupation and atrocities in Lebanon, but there is a real possibility that Israel will launch a new war of aggression against Syria aimed at breaking the backbone of the Syrian army in Lebanon and perhaps extending into Syria itself. This would complicate problems in the Middle East considerably.

The first statements uttered by Israel's new defense minister, Moshe Arens, after being appointed to replace Ariel Sharon, were threats against Syria. Mr. Eliahu Ben–Elissar, chairman of the Foreign and Security Committee of the Knesset, the Israeli parliament, characterizes the situation that exists in the Middle East today in the same terms as those used in 1967. The same "atmosphere," as he puts it, now prevails. In other words, the Israeli government's current thinking is the same as on the eve of its aggression in 1967. I am not a fatalist, nothing is inevitable, but the danger of renewed aggression is a very serious one.

The second point is that we speak about the Israeli invasion of Lebanon and the Palestinians as if the Palestinians were the only ones to suffer. We have to realize that Israeli aggression is not only a Palestinian problem; it also threatens the very existence of the Lebanese people and, above all, the Lebanese patriotic forces.

Next, the Israeli invasion of Lebanon was a trumped-up invasion. Even the Israeli government has not been able to come up with a credible formal excuse to justify it. The reason why is clear if we remember that the year prior to the invasion was a year of de facto peace; not a single shell was fired by Palestinians at settlements in the northern part of Israel, thanks to the cease-fire agreement between

the Palestine Liberation Organization and Israel. The invasion had nothing to do with "Peace for Galilee," as it was called, nor with the security of Israel proper or the northern part of Israel.

Second, the invasion was a war of extermination. That was its true character. It was therefore a crime against peace, against humanity. Everyone was horrified by Sabra and Shatila, but Sabra and Shatila were not the only massacres. Beirut was bombed, killing nearly 7,000 people—children, women, and men. They, too, were massacred. At Tyre (Sur), Sidon (Saida), wherever the Israeli occupiers entered, massacres, large and small, of Palestinians and Lebanese patriotic forces took place.

This invasion is a continuation of the Israeli war of expansion that began well before 1982. For instance, Lt. Gen. Rafael Eitan, chief of staff of the Israeli army, has repeated many times that what is happening between Israel and the Palestinians is a 100-year war of extermination—and he says that the Israelis are not going to be the ones exterminated. The immediate aim of the massacres at Sabra, Shatila, Beirut, and other places throughout Lebanon was to solve "the refugee problem" by destroying refugee camps and forcing their inhabitants to move eastward. Such atrocities were committed not only in Lebanon but in the Occupied Territories as well. I will not go into the situation in the Occupied Territories, but I would like to draw your attention to one very important fact: In the weeks before the invasion of Lebanon, nearly 40 people were massacred in demonstrations against the occupation of the West Bank and the Gaza Strip.

My third point is that Mr. Begin's government has stated time and again that its historical mission is the complete elimination of the Palestinian problem and the PLO, the sole legitimate representative of the Arab Palestinian people. Previous Israeli governments occupied all of Palestine, that is, the West Bank and the Gaza Strip. Mr. Begin's government seized as its historical mission the task of combining all the territories occupied in 1967 and annexing them to Israel. But beyond even that, Mr. Begin aims at the de facto annexation of southern Lebanon through the quisling rule of Sa'd Haddad [the rebel Lebanese major who operates there].

Fourth, the declared goals of this war—declared by the Israeli government itself—are to completely liquidate the PLO, the Palestinian fighters, and the Lebanese patriotic forces; to trap the military, the Syrian army; and to impose another, entirely different political system on Lebanon, transforming all of Lebanon into an Israeli

protectorate, something of a bigger south Lebanon ruled by Sa'd Haddad and people like him.

We must also keep in mind the economic objectives of the invasion, which are to grab hold of Lebanon's water sources and turn the country into a captive market for Israeli products and, through the Lebanese market, to infiltrate the whole of the Arab world.

But I believe that the Israeli invasion did not accomplish its main goals. Everything has proven that it is impossible to impose on the Arab Palestinian people a military solution, that such invasions and wars can only bring new suffering to the Arab Palestinian people, and not only to the Arab Palestinians but also to the Lebanese people, and to the Israeli people as well.

The number of Israeli victims of this invasion was great. According to the official statistics, more than 500 people were killed and more than 2,000 wounded. Furthermore, the rapid deterioration of the Israeli economy as a result of the invasion has become obvious to everyone. So I believe that this war was not only against the interests of the Arab Palestinian and Lebanese peoples and against the interests of peace; it was also against the interests of the Israeli people.

Fifth, one very important feature of Israel's war of extermination is that it was accompanied by lies designed to deceive international public opinion. All kinds of lies were resorted to. One is reminded of a diabolic propaganda machine that can produce lies and only lies. First, the war of extermination was presented to the world as a campaign to bring "peace" to Galilee. As I stressed earlier, it had nothing to do with peace in Galilee. The Israelis spoke at the beginning about invading Lebanon to within 45 kilometers of the border and occupying that area. But it soon became apparent that this was only a prelude to the planned invasion of Lebanon.

Then lies were told about what happened at Sabra and Shatila and Israeli responsibility for the massacres. Lies are being told about what is going on in southern Lebanon. Israel has tried to present the invasion to the whole world as a communal fight between Muslims and Christians, but everyone knows that the Israeli occupiers are in fact carrying out a policy of partition and rule.

The Israelis lied about the bombardment of Beirut. They said they were bombing only military targets. But everyone knew at the time—and it was proven later—that they were bombarding Beirut, bombarding everything in Beirut, hospitals, schools, every possible civilian target. They also lied about 2,000 Palestinian fighters being in

the city in order to find a justification, a formal excuse, to occupy West Beirut. Yet it was obvious that when the PLO decided to leave Beirut, it left completely.

My sixth point concerns Israeli responsibility for Sabra and Shatila. International public opinion saw these massacres as something special, but I tell you, the entire history of the Arab Palestinian people since 1948 has been a history of continuous massacres. Deir Yasin [April 9, 1948] was a planned massacre; Kafr Qasim [October 29, 1956] was a planned massacre. In nearly every village occupied in 1948 a massacre took place. Sabra and Shatila, Beirut, and many other places were scenes of massacres planned by Israeli occupiers and the Israeli government.

Seventh, we look positively on the Kahan Commission inquiry, which was set up by the Israeli government as a result of public pressure to investigate the Sabra and Shatila massacres. Nevertheless, we believe that its findings did not go far enough. Moreover, the decisions, the resolutions of this commission, were not put into practice, and Ariel Sharon, then defense minister, continues to hold a cabinet post in the Israeli government. I believe that Mr. Sharon is not the only one responsible. Mr. Begin carries the same responsibility, as do Foreign Minister Yitzhak Shamir and Chief of Staff Eitan. One must add to the list a wider and wider circle of political and military leaders.

But I would like to stress the fact that the Israeli government was forced to remove Mr. Sharon as defense minister. This is a confession, in a way, that the whole invasion of Lebanon failed to realize its aims. Mr. Sharon was also used as a scapegoat for the entire government of Israel. I would also like to point out here that the Kahan Commission report includes a secret section. I have not read it, nor has it been published, but everyone can guess what it contains. The Kahan Commission limited its investigation only to what happened during three days at Sabra and Shatila. It did not investigate what happened during nine months of occupation in other parts of Lebanon.

Let me add here that one of the main aims of the invasion was to break the backbone of the patriotic struggle inside the Occupied Territories, the West Bank and the Gaza Strip, to compel the patriotic forces and the people of the Occupied Territories to capitulate. And I believe that this war was also an inevitable result of the Camp David agreements. Now the parties to this agreement are trying to impose what is called autonomy. This should not be called

"autonomy" but "Beginomy," because autonomy, according to Mr. Begin, means complete annexation. They are doing their best, by blood and fire, to impose here what are called "village leagues," quisling groups that collaborate with the Israeli occupation forces.

But there is another side to the coin: the continuous insurrections, the heroic struggles of the Arab Palestinian people. This is demonstrated not only in Beirut but every day in the Occupied Territories as well. The people in the occupied areas are rejecting unanimously Israeli occupation; they are demonstrating unanimously their full support for the struggle of the PLO and its leadership.

In the Occupied Territories, the building of new settlements is a continuous process. It means uprooting people daily from their lands and villages and bringing in settlers, anti-Arab Zionist extremists, to settle in their place. The Israeli plan is to build 100 new settlements in the coming two to three years and 200 more in the next six to seven years. But the settlements are not located in certain parts of the Occupied Territories alone; they are spread all over the occupied lands. The demolition of Palestinian houses; the expulsion of leaders, mayors, and trade unionists; and the torture of prisoners inside the prisons are all designed to rid the Occupied Territories of Palestinians in order to move in new Jewish settlers.

The settlers are a kind of private army in the service of the most fanatic political circles inside Israel. All of them are armed, and they attack unarmed people in the Occupied Territories wherever and whenever they want. One more thing: The Israelis talk all the time about the "future demographic structure" of the Occupied Territories, a term they associate with plans to expell between 700,000 and 800,000 Palestinians from these areas. This project has been published in the press and was exposed by an ex-army general, Aron Yaariv. The aim is to prevent the Arabs in the Occupied Territories from constituting a majority.

Eighth, since 1967, wars, the maintenance of occupation forces, and, last year, the invasion of Lebanon have had a destructive effect on Israel itself. A very dangerous anti-democratic process, an official process, is at work inside Israel. It is destroying human values; it is spreading violence, perturbing relations between government ministries and between official circles and the people.

Everyone knows that the Occupied Territories as a whole constitute a market. The economy of the Occupied Territories tends to be a colonial economy, completely dependent on the Israeli economy, and a source of cheap labor. But in spite of all this,

inflation in Israel is running at 130 percent annually. In the six years between May 1977 and today, total inflation amounted to 479 percent. The Israeli outside foreign debt in 1977 was US $12 million. In September 1982, it was $25.5 million. Chauvinist, anti-Arab elements inside Israel try to present the wars against the Arab Palestinian people as wars fought to defend the interests of the Israeli people. I want to emphasize that the truth is exactly the opposite. A just solution to the Arab Palestinian problem and the immediate withdrawal of Israeli forces from Lebanon are in the real interests of both the Israeli and the Palestinian peoples.

I believe that there is an Israeli tragedy. The ruling Likud coalition and the main opposition force, the Labor Party, are more or less following the same general political lines. The Labor Party goes along with what we call the "Three Israeli Noes": no withdrawal to Israel's 1967 borders, no recognition of the right of self-determination of the Arab Palestinian people, that is, no Arab Palestinian state, and no recognition of the PLO.

And I believe it is an Israeli tragedy that the forces of peace inside Israel are not strong enough to impose another course of action on their government. Because of this, world opinion and international solidarity must struggle to find a just solution in the Middle East. This effort is badly needed. I point again to the very important role played here by the peace-loving Jewish Israeli forces because the Israeli people, too, are paying a heavy price for these wars. A much broader campaign must be organized throughout the world to mobilize public opinion and impose a just solution.

My ninth point concerns the role of the United States. First, I would like to remind the jurors that two years ago, an agreement, what is called an agreement of strategic understanding, was signed between Israel and the United States of America. This indicates that the policies of the Israeli government affect much more than just the Palestinian problem. We see such an agreement, first, as a threat to the Arab world, to the Arab progressive regimes—and not only Arab, but to all progressive regimes in the Middle East, in Africa, Asia, and even Latin America.

Second, wherever a reactionary or fascist regime exists, in any part of the world, you will find Israeli arms in its hands. This means that the Israeli government is playing a wider role in what we call big strategy and military dictatorship. Israeli wars are also a laboratory for testing American arms.

The Camp David agreement was designed to accomplish two

things: to impose an unjust solution on the Palestinians without the participation of the Palestinians, and to impose it without the Soviet Union. I believe that without Palestinian and Soviet participation, there will never be a just solution to the Palestinian problem. The Camp David agreement aims to move the Soviet Union out of the picture, away from the peace process. The United States is trying to force an unjust solution on the Palestinian people in line with America's own aggressive plans for the Middle East. Sometimes we see that Mr. Philip Habib or Mr. Carter has been assigned the job. Maybe Mr. Kissinger, too, will be sent to the Middle East soon. In the meantime, the U.S. government makes statements here and there which look to be pro-Palestinian or pro-Arab. We have an Arabic proverb that says, "The man who murders you is ready to mourn at your funeral." We do not want anybody to mourn at our funeral. We do not want the United States to express its good faith in order to attend our funeral. We do not want America to conspire against our people. We do not want this policy of liquidation and extermination.

The Palestinian stand all along, and especially lately, has been that peace is not only possible but necessary. The only obstacle to peace is the Israeli policy of expansionism. The Palestinians are ready to accept a solution on the basis of Israel's withdrawal to its pre-1967 borders, the recognition of the Palestinian right of self-determination, and the Palestinian right to a political entity, a Palestinian state.

We are not pessimists. I believe that the immediate task of international opinion is to force Israel to withdraw from Lebanon and give the Lebanese people a chance to solve their own problems by themselves. Nobody has the right to interfere in the internal affairs of another state. Not only is withdrawal from Lebanon necessary but so is withdrawal from the territories occupied since 1967, because without solving the Palestinian problem, the Middle East will continue to live in a war psychology. So we must eradicate the cause of continuous warfare in the Middle East and recognize the right of the Arab Palestinian people to self-determination. We are optimistic because history does not develop according to the decisions of the Israeli parliament or the Israeli government but according to objective conditions.

In concluding my testimony, I would like to point out a neglected aspect of the Israeli-Palestinian problem. I am mayor of the town of Nazareth, a holy Arab town and a wholly Arab town. About 600,000 Arabs live in Israel as Israeli citizens. Legally, we are citizens of the

Israeli state. But from a national point of view, we are an indigenous part of the Arab Palestinian people, and because of this, we suffer from racist discrimination. Since the establishment of the state of Israel, we have breathed racist discrimination as a human being breathes air. It confronts us in all aspects of life.

Our lands have been, and continue to be, expropriated in a continuous process that began in 1948. More than 80 percent of all Arab-owned lands have been confiscated since the Israeli state came into being. In Nazareth, the historical town of Jesus Christ, we do not even have enough land to build new cemeteries. We continue to bury our dead in graveyards that date from the days of Christ and maybe even earlier. There is a very acute problem in education: We do not have enough schools and are short thousands of classrooms. We do not have jobs or places of work. Because of racist discrimination, Arab towns and villages have been turned into big hotels for other people, and today the overwhelming majority of our workers leave their towns and villages every morning and return in the evening.

I speak about this because, first, I feel it is my duty, and second, I believe that Mr. Chaim Weizmann, the first president of the state of Israel, once said that the whole world will judge Israel by its treatment of its Arab citizens. And this treatment is based on a racist policy. If this policy prevents the Israeli government from making peace with its own citizens, how can Israel make peace with the Palestinians? This problem appears minor, but it is like a drop of sea water that contains within it all the elements of the ocean.

Inquiry by the Jury

Eduardo del RIO: I want to know how the invasion of Lebanon affected life in Nazareth and other cities. What kind of special measures did the government of Israel take against Palestinians living in Israel?

ZAYYAD: First of all, let me explain to the jury our situation as a national minority. We feel like hostages all the time. In every war, from 1956 through 1967, 1973, the 1978 Litani operation, and 1980, we have felt that as hostages, anything can be done to us—anything. But this sentiment became much stronger during the invasion of Lebanon. Now Israel is escalating its operations against us. In the last

three or four months alone, a new wave of land expropriation has been unleashed on a wider scale than in 1975 and 1976, before the famous Land Day strike [of March 30, 1976, when the Israeli army suppressed a general strike of Arab peasants called to protest land seizures in northern Israel].

Second, direct police pressure is much stronger than before. For instance, on September 22, 1982, a general strike took place in Nazareth—where it was total—and in all the Arab towns and villages inside Israel, and the police tried to crush it with firearms. Forty four people were wounded by police gunfire. And, of course, the police are now placing hundreds of people under arrest, bringing them to court on civil charges, and even sending them to prison. Similar measures are being carried out against the Arab minority inside Israel. I believe that these acts influence the anti-democratic process inside Israeli society in general.

MUTO Ichiyo: You mentioned the role of the United States in creating the situation that exists in your country and in the region. I think it is clear that the Reagan administration has a particular military strategy designed to bind the world into one whole. Do you think that the invasion of Lebanon is part of the Reagan military strategy, which undoubtedly centers on the Middle East? Does this mean a sort of complicity on the part of the countries which subscribe to that strategy, complicity in the crimes that have occurred and that may occur again in the future?

ZAYYAD: I believe that Israeli policy in general is part of U.S. strategy, not only in the Middle East, but also in Latin America and Africa. I mentioned that Israeli wars are laboratories for American arms.

But sometimes the United States finds certain jobs too dirty and does not want to do them directly. So it uses Israel. Take, for instance, Israel's relations with South Africa. Israel and South Africa are planning the joint development of atomic weapons and manufacturing new arms together. Israeli plans to penetrate Africa also fit in with new U.S. imperialist aims there and in other parts of the world. After the Iranian revolution, for instance, Mr. Begin began threatening the revolution itself. The bombardment of Baghdad two years ago was part of the pressures the United States brought to bear on Iraq. We have hundreds of such examples.

But what I want to stress here is that the U.S. rulers are not alone in using Israel. Certain Arab rulers and regimes also depend indirectly on the Israeli army and occupation to weaken the Arab

national patriotic movement. I say this in a nationally honest way to show that we Arab Palestinians are not chauvinistic in our struggle. We also oppose aggression and oppression planned or practiced by this or that Arab leader or ruler. Our struggle is a democratic, patriotic struggle; it is not chauvinistic. So, the United States is using Israel to the maximum extent; it is using it even to support and protect certain Arab reactionary regimes in order to weaken and defeat the Arab national liberation and anti-imperialist struggle in general. And Israeli strength, sometimes even without being used directly, helps the United States protect its oil interest in the Middle East, and not only in the Middle East. The U.S. government uses the Israelis to combat what is called Soviet penetration, or the Soviet influence. This is a global, imperialist, American goal for which Israeli military force is necessary.

R. K. GARG: Is the aim of this policy only to reduce Soviet influence or is it also designed to eliminate competition from Japan and Europe?

ZAYYAD: I want to make it even clearer that in Israel, the Israeli government and the opposition Labor Party compete at election time to prove who is more friendly with the United States. And we know that the Israeli rulers are isolated in Europe, in Japan, everywhere. They are losing ground with public opinion and even in official circles in Europe. And I believe that Europe, Japan, and all those governments that believe it is in their interest to create peace in the Middle East have a very important role to play. These governments are faced with contradictions because of American strategic plans, and I believe that they are changing stands. It is very important that Europe play a role, not only Europe, but all Western and Eastern countries, in exerting pressure on the government of the United States so that it will put pressure on the Israelis. I believe that Western Europe, Japan, and other countries can become natural allies of the Arab and Arab Palestinian peoples in solving this problem, based on the UN Charter. I also believe that it is in their economic interest to do so.

GARG: Do you see a parallel between Hitler, who tried to exterminate the Jews, and Begin, who intends to exterminate the Palestinians?

ZAYYAD: First, I do not believe that a new Hitler can exist because the historical conditions that produced Hitler and those that exist today are different. But it is not necessary to be a Hitler to exterminate people. I believe that the policy of Mr. Begin is based on

the negation of the very existence of the Arab Palestinian people. We remember the statement that there is no such thing as an Arab Palestinian people; instead there are only Arabs of the land of Israel. This denies the existence of an Arab Palestinian nation.

Second, the Israelis say that one Palestinian killed is pollution, but all Palestinians killed is a solution. It is clear that official Israeli policy is based on exterminating the Arab Palestinians as a people. Exterminating a people does not mean exterminating every individual. Extermination is a way of solving a political problem.

GARG: Can this be done without weapons such as those used at Hiroshima?

ZAYYAD: First of all, I would like to stress that the possible use of the atom bomb is part of official Israeli thinking. And the new minister of defense, Mr. Arens, is a well-known defender of the idea of producing an Israeli atom bomb and a special airplane able to carry it. But, of course, I believe that international public opinion has a big role to play here.

An Israeli Jew Opposed to the War

Amnon Zichroni
Israeli Jurist

I am an Israeli lawyer active in civil rights issues and committed to a just Israeli-Palestinian peace. I am a member of the Israeli Council for Israeli-Palestinian Peace, a Zionist organization formed in 1976, which supports the principle of an Israeli-Palestinian peace based on coexistence between two sovereign states, each with its distinct national identity. Cardinal to this is the establishment of a state for the Arab Palestinian people, which will exercise its right of self-determination in the political framework of its choice alongside the state of Israel. The border between these two states should correspond to that existing prior to the war of June 4, 1967.

In recent years, members of the council have held meetings and negotiated with high-ranking Palestine Liberation Organization officials, including Chairman Yasir Arafat. On the basis of these meetings, we have come to the conclusion that the PLO is willing to assent to a just peace based on the above principles. The PLO has made crystal-clear in various resolutions since 1976 its willingness to accept and recognize the state of Israel on the basis of the mutual recognition of each nation's legitimate right of self-determination.[1]

That is why we say that the present responsibility for continuing the conflict, the war, and the tragedy rests on the Israeli government. The Israeli government maintains a policy of occupation and annexation. The aim of this policy is to make the Occupied Territories, step by step, an integral part of Israel. The government's attitude toward the Arab Palestinian residents of these territories is one side of this coin; the Jewish settlements being established there are the other.

It is neccessary to say a little more about this policy because, as I will explain later, the war in Lebanon constitutes an integral part of it. I will concentrate mainly on the Jewish settlement issue. At

present, more than half of the six million dunams (600,000 ha) in the West Bank are in Israeli hands. In the West Bank, there are more than 110 Israeli settlements, and many more are planned for the near future. But it is not so much the number as the type of settlement that is the significant factor. During the period of the Labor government, the settlement concept dictated the building of *kibbutzim* and *moshavim* [small holders' cooperatives]. Now, under Begin's Likud Party and the settlement vanguard, Gush Emunim, the emphasis is on urban settlement-dormitories for Jerusalem and Tel Aviv. For this form of settlement, any sort of land is suitable. At the current rate of construction, 3,000 apartments a year are becoming available. That means an annual increase in the West Bank of between 12,000 and 15,000 Jewish Israelis. Seeing that 25,000 Jews already live in the West Bank, one can predict that at the present rate of development, 100,000 Jews will live there by 1986, posing a major obstacle to any political settlement.

I would like to add one more detail concerning this point. In the Jewish areas of the West Bank, Jewish services and standards apply, while in the Arab areas, the standards are those of the military government and the so-called civil administration. (While the current budget for the development of Jewish settlements is estimated at about US$100 million a year, the total annual budget of both the military government and civil administration, which together exercise effective authority over the Arab population, is about $14.5 million, and that comes mostly from taxes paid by local residents.)

I tell you all this because the war in Lebanon is directly connected to the overall policy of the Israeli government and its policy toward the Palestinian people, mainly in relation to the territories occupied in June 1967. This is a concept of endless war with the Palestinians, of destroying their organizations—mainly the PLO—and of annexing the West Bank and the Gaza Strip. Ariel Sharon, the former defense minister, saw the war in Lebanon as another step toward breaking the Palestinians and, perhaps later, forcing them into making Jordan the site of their Palestinian state. That was the Big Plan behind the war in Lebanon.

Before entering into a more detailed discussion of the war, I would like to stress one more point. Until now I have employed the term "Israeli government" when speaking of the entity to be blamed for a particular political policy. This is not by accident. It is very important for peace fighters in Israel that there be no confusion of identity between the government and the people. Public opinion in

Israel is a force that should not be overlooked. We try to persuade the Israelis that their government not only does wrong to others but also harms the true interests of Israel and its people. The war in Lebanon, for example, produced more than 480 fatalities and several thousand wounded among Israeli soldiers. The economic cost of the war was very high and postponed the chances of really solving Israel's acute internal social and economic problems.

Israeli peace forces are trying to mobilize the Israeli people against their government and its war policy. In this, any confusion of identity between the Israelis and their government or between the government and the state of Israel can only do harm. Later I will say more about the struggle of the Israeli peace forces against the war. For the present, let me return to the war in Lebanon itself.

The war launched by the Israeli government against Lebanon and the PLO began on June 4, 1982. On that day the Israeli air force launched air attacks on Beirut, abrogating by this act the cease-fire that had been in effect between Israel and the PLO since July 1981. The Israeli government was unhappy about the cease-fire and since its implementation had been looking for a pretext to resume military actions against the PLO. Unfortunately, this excuse was provided by the attempted assassination in London of Shlomo Argov, the Israeli ambassador to England, although the attack was carried out by an organization hostile to the PLO and was sharply condemned by PLO representatives.

On June 6, a full-scale invasion of Lebanon was launched. The forces used for this operation, as Maj. Gen.(Reserve) Mattityahu Peled, President of the Council for Israeli-Palestinian Peace, has testified, were equivalent in strength to those used in 1967 to fight the Egyptian army in the Sinai. I stress this point because the size of the forces used by Israel proves that, from the beginning, the purpose of the operation was far-reaching and that the Israeli army planned to penetrate deep into Lebanon in order to make Israel the major factor in deciding the future of that country. The real goals of the war are now widely known and have since been publicly acknowledged by Sharon and others. It is also worthwhile mentioning that these goals were known and publicly discussed even before the war broke out.[2]

The aim of the war included the destruction of the PLO, thus eliminating the Palestinian problem, and the installation in Lebanon of a puppet government manipulated by Israel and consisting of a Phalangist[3] dictatorship. All this is no secret. Sharon said a year before the invasion of Lebanon that he would do exactly what, in

fact, has been done. He also spoke openly about the goals of the war. He said more than once that he wanted to depose the King of Jordan, drive the Palestinian refugees into Jordan, and create a Palestinian state there, probably under Israeli tutelage.

In my opinion, we must also view the way in which the war was conducted in this context. It was not only a war against the PLO as the representative organization of the Palestinians, but also a war against the Palestinians themselves as a people. Two examples are the heavy bombardments of civilian targets (one pilot told his Kibbutz magazine, *Alon Merchaviya* [July 6, 1982], that he had been told just to bomb the city of Tyre without *any* specific targets!)[4] and, later, the terrible massacre of Palestinians in the refugee camps of Sabra and Shatila.

As you know, the Israeli government was forced by Israeli public opinion (the 400,000 demonstrators in Tel Aviv are but one example) to appoint a commission of inquiry to investigate the massacre of Palestinian refugees in those two camps. To my mind, it was necessary to investigate the whole terrible massacre called the Lebanon war, which brought death to many thousands of Palestinians and Lebanese!

The Kahan Commission, composed of Justice Yitzhak Kahan, the outgoing president of the Supreme Court, Justice Aharon Barak, and Maj. Gen.(Reserve) Yona Efrat, found that then Defense Minister Ariel Sharon, Chief of Staff Lt. Gen. Rafael Eitan, and other high-ranking military commanders—but also Prime Minister Begin and Foreign Minister Yitzhak Shamir—all bore *individual* responsibility for the perpetration of the massacre. After reading the Kahan Commission's report, I urged, on the basis of the factual findings of the report, that both the ministers and the generals be brought before the criminal courts and that they be punished according to the Israeli municipal penal code. But we do not need the findings of the Kahan Commission to place the responsibility for the massacre squarely on the Israeli government. By sending the fascist Phalangist militia into the camps, the Israeli government set in train a tragic sequence of events. And after doing that, no one can now say, "I'm innocent."

The bombardments and the massacre do not exhaust the list of crimes committed against humanity by the Israeli government. According to witnesses and documents, most Palestinian males from 16 to 60 years of age living in the territories occupied by Israel in Lebanon were taken prisoner. Even now several thousand Palestin-

ians are being held in al-Ansar camp in Lebanon. Israeli authorities refuse to accord the Palestinian prisoners the status of prisoners of war and the rights reserved for them under international charters. The Israeli authorities have promulgated a special emergency decree that has transformed the Palestinian prisoners of war into administrative detainees who are threatened with being brought before military courts. This decree, among other things, permits the Israeli authorities to arrest people who are not Israeli citizens or inhabitants of Israel.

The official Israeli vocabulary contributes more and more racist terms to justify the continuing dehumanization of the Palestinians and the PLO. I will quote some of them. A region, before being occupied, is "softened up" by massive bombardments. An already occupied region is "purified" or "purged" of terrorists by firing random volleys into houses or devastating it with artillery and tank fire. The resistance of a region difficult to capture is "crushed" or "pounded" by massive bombardments. Begin has described the Palestinian fighters as "two-legged animals." This gives Israel the right to squash and annihilate them like insects. Chief of Staff Eitan was one of those who used the phrase, "The only good Arab is a dead one" (*Ma'ariv*, February 18, 1983).

I would like now to refer briefly to the international legal aspect of the war in Lebanon. Israeli and foreign experts have referred to this point frequently. Several inquiries have even been conducted by international commissions. I shall mention here only a few of their most important conclusions, beginning with crimes against peace.

Having bombed, shelled, and seized a sizable part of Lebanon, the Israeli government went beyond merely violating the general prohibition on the use of force in international relations, as contained in Article 2, Paragraph 4 of the UN Charter. Israel has committed aggression as described in the Definition of Aggression adopted by the United Nations General Assembly on December 14, 1974, Resolution 3314 (XXIX).[5] The state of Israel and its leaders are accused of at least the following acts of aggression as defined by the above resolution:

a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;

b) Bombardment by the armed forces of a State against the

territory of another State or the use of any weapons by a State against the territory of another State;

c) The blockade of the ports or coasts of a State by the armed forces of another State.

Israel is committing premeditated aggression; it is occupying the territory of a sovereign, independent state, a founding member of the United Nations, and interfering directly in its internal affairs. We are forced to conclude that Israel is trying to install a New Order in Lebanon that will serve Israeli interests.

It should be stressed that, as stipulated by Article 5, Paragraph 1 of the Definition of Aggression, no consideration of whatever nature, whether political, economic, military, or otherwise, may serve as a justification for aggression. In light of this article, the Israeli government's references to its right to resort to self-defense, in conformity with Article 51 of the UN Charter, appear absolutely groundless. This article provides for the right to self-defense only in case of an armed attack on a UN member, and Israel was not the object of such an attack by Lebanon.

The UN General Assembly has denounced Israel's actions against the Palestinian people as aggression (Resolution 36/226 of December 17, 1981).[6] We can add that the Palestinian presence in Lebanon has grown since 1967 and is sanctioned by an institutional convention called the Cairo Agreements of 1969. The presence of Syrian troops in Lebanon as part of the Arab Force of Dissuasion is based on an agreement concluded at the Riyadh summit held on October 15, 1976 in Saudi Arabia. Six parties, including Lebanon and the PLO, signed that agreement. The demand for the protection of Arab troops has been made by the Lebanese president. Every Israeli act of aggression against Palestinians and Syrian troops in Lebanon can therefore be considered as a violation of the sovereignty of Lebanon. The nature of Israel's action was confirmed by Security Council Resolution No. 509 (June 6, 1982),[7] which demanded the immediate and unconditional withdrawal of all Israeli forces from Lebanon.

Israeli aggression has led to the occupation and vast, indiscriminate destruction of the greater part of the independent Arab state of Lebanon. This has endangered Lebanon's political independence. It has, at the same time, become a serious threat to international peace and security.

Israeli war crimes may be broken down into five categories.

1. Israeli military actions against the civilian population, the

bombing and shelling of peaceful cities and villages, violate:

a) the Saint-Petersburg Declaration of 1868, which obliges both sides in a conflict to fight only against the enemy's armed forces;

b) Article 25 of the Regulations Annexed to the Fourth Hague Convention of October 18, 1907, which prohibits the attacking of undefended cities;

c) Article 6 (2–b) of the Charter of the International Military Tribunal in Nuremberg, which equates the destruction of cities and villages to a war crime;

d) Article 48 and subsequent articles of the Protocol (I) of 1977 additional to the Geneva Conventions of August 12, 1949 on protecting war victims;

e) Resolutions 2444 (XXIII) and 2675 (XXV)[8] of the UN General Assembly, which prohibit military operations against the civilian population.

As a result of Israeli army operations, substantial parts of Beirut, Tyre, Nabatiya, Sidon and many other places were destroyed, and whole camps of Palestinian refugees were razed and disappeared from the face of the earth. According to a report compiled by UN observers, some 300,000 Lebanese citizens and not less than 83,000 Palestinians are in urgent need of aid and assistance.

2. The use of cluster, phosphorus, fragmentation, and other bombs: the use of cluster and phosphorus bombs and some other weapons is a violation of the Saint-Petersburg Declaration of 1868 and the Hague Convention of 1907. These prohibit the use of arms that cause unnecessary human suffering. Quite recently these weapons were expressly added to the Protocol additional to the Geneva Conventions of 1949.

3. The bombing of hospitals and clinics protected by the Red Cross or Red Crescent insignia is a violation of one of the oldest rules of humanitarian law. This is reflected in a number of documents, particularly in Articles 18 and 23 of the Geneva Convention of August 12, 1949 relative to the Protection of Civilian Persons in Time of War. The Israeli military obstructed even the International Red Cross in its efforts to render aid to the Palestinians and the population of Beirut.

4. The cutting off of food, water, energy, and essential medical supplies from the civilian population is prohibited by humanitarian

conventions, namely by Article 54, Paragraph 1 of the Protocol (I) additional to the Geneva Conventions of 1949, which prohibits the starvation of the civilians as a method of warfare.

5. The refusal to grant prisoner-of-war status to Palestinian fighters violates Article 4 of the Geneva Convention of August 12, 1949 relative to the Treatment of Prisoners of War. The Israeli government is denying POW status and treatment to the Palestinians despite the fact that the PLO reaffirmed its intention to abide by all Geneva conventions and informed the Swiss Foreign Affairs Ministry on June 7, 1982 of its intention to do so. The non-granting to Palestinians of POW status also runs counter to UN General Assembly resolutions, such as No. 3103 (XXVIII)[9] of December 12, 1973, which demands that this status be granted to those persons who fight against foreign occupation and for the right of self-determination.

The last point I wish to raise in my testimony concerns the struggle of Israeli peace forces against the war in Lebanon. This struggle began on the first day of the war. That day, June 5, more than 3,000 Israelis marched in the streets of Tel Aviv against the war. The very first week of the war, students demonstrated in Tel Aviv and Jerusalem. The demonstrators in Jerusalem clashed with the police; four of them were injured and five others arrested.

The Committee Against the War in Lebanon was formed from the several thousands of Israelis who, in these very first days of the war, signed public petitions against it. The political basis of the committee is determined objection to the war and support for the unconditional, immediate, and complete withdrawal of Israel from Lebanon. The committee supports the opening of negotiations between Israel and the PLO in order to achieve an Israeli-Palestinian peace founded on the only just basis: two states for the two peoples, that is, the creation of an independent Palestinian state beside the state of Israel. The committee's first mass rally, held in Tel Aviv on June 26 while fighting was still in progress, was attended by more than 20,000 Israelis.

A week later, about 100,000 Israelis, many of them on short-leave from reserve duty in the war, took part in the first mass rally of the Peace Now movement. Since then, both the Committee Against the War in Lebanon and the Peace Now movement have held many demonstrations and rallies, the most outstanding being that of 400,000 Israelis in Tel Aviv calling for the resignation of the government after the massacres at Sabra and Shatila.

Since the beginning of the war, more than 1,500 Israeli reserve soldiers have publicly announced their refusal to fight in Lebanon. About 40 of them have been jailed in military prisons since then for their act of refusal. Support is growing steadily for their actions. It is called the There is a Limit movement. Many of those who supported the war in the beginning began to oppose it when Begin's famous—or infamous—45 kilometers were exceeded.

The most important political development in Israel since then has been the growing polarization between opponents and supporters of the war. This issue in effect shattered the so-called national consensus. It is necessary to explain at this point why such a large proportion, probably even the majority of Israelis, support Begin. The most important factor, in my view, is the success of official propaganda in persuading Israelis that there is a danger to their national existence in the Middle East, that there is "no choice" but the road of endless war with the Palestinians, that there is no way of achieving a just peace that will ensure Israel's existence and its national rights. Extremist voices heard in the past from the Arab and Palestinian side have strengthened this conviction. The development of a more realistic approach among the Palestinian leadership weakens it and, in this way, helps the Israeli peace forces in their struggle.

Class divisions are also an element in shaping attitudes to the war. I am sorry to say that the majority of Begin's supporters are poorer people, including the vast majority of Sephardic Jews, those of oriental origin. The opponents of the war come mainly from the middle and upper classes. They are mostly (but not exclusively) Ashkenazic Jews, originally from Europe and America. Most of Israel's intellectuals oppose the war, but to our sorrow, a majority of its working class support it.

Of course, other factors explain the support given to Begin, such as the development of chauvinism and national-religious fanaticism in Israel, but these are, to my mind, minor problems with which we shall be able to cope once we have overcome the first problem and persuaded Israelis that there is a way, and that there is a clear will on the other side, to achieve a peace based on mutual recognition and respect for each other's national rights.

I come now to the last point, the resolution of the grave Israeli-Palestinian conflict. Every way forward should respect the national and human rights of both peoples. The only way of ending the tragedy of the Palestinian people is the establishment of an

independent Arab Palestinian state in the territories occupied by Israel in the June 1967 war. Any such way forward should also include a persuasive political perspective for the Israelis—the recognition of the right of Israel to exist in peace and security within its pre–1967 borders and alongside the Palestinian state.

Inquiry by the Jury

RUI MU: Please tell us whether you think that the Israeli invasion of Lebanon is part of a general policy of expansion implemented over the past 35 years and a total negation of the national sovereignty of the Palestinian people.

ZICHRONI: As my friend stated before, Israel couldn't achieve all that it has without the help of the United States. I think that the change in Israel begins after the 1967 war when it occupied the territories of the West Bank and Gaza. Just after the war, some Israeli leaders were ready to find a solution and most did not think of annexing these territories. But by having those territories, by living with them every day, that is what happened. The concept of living in those areas forever became an integral part of the official ideology of the Israeli people and government. Sharon and others developed the idea of expelling Palestinians from the Occupied Territories through Lebanon and Syria into Jordan in order to establish there a Palestinian state, which is, of course, against the interests of the Palestinians and a violation of their right of self-determination.

R. K. GARG: You referred to the people's resistance against the Begin government's policy of war, and in this connection you referred to the demonstrations that took place before the Kahan Commission was appointed. Would it be right to say that people in substantial numbers want the policy of war and of extermination of the Palestinians reversed, or are their protests confined only to massacres?

ZICHRONI: Most of those people are against the war as a general principle, but not all of them agree with the concept of self-determination. Our task as peace fighters is to convince these people that without recognizing the Palestinians' right of self-determination, peace will never come to the Middle East.

Gordon MCINTOSH: I think you have given us all a lot of hope by

expressing how activists in Israel feel about the Begin government. Now if Begin is as determined as you have made out, is it possible, within the bounds of the Israeli constitution, that he can prevent a defeat, if he sees it coming, through the democratic process?

ZICHRONI: First, we don't have a constitution in Israel. Second, Begin has a lot of influence on the Israeli population. Begin's plan is clear: He wants the territories. The war against Lebanon began only because he wanted to annex these territories to Israel. By expelling the Palestinians, the government would find it easier to annex them. But, as I mentioned, there is a difference between the last war and the others. They used to speak in Israel about a "common consensus." Until the last war, the consensus was strong. When Israeli leaders spoke about invading Lebanon up to 45 kilometers, many people went along with that idea. But when they saw that this time the army was not going to stop at 45 kilometers, the consensus vanished. Our hope lies in trying to convince the Israeli people that a solution between Israel and the Palestinians is possible. That's why we call on the Palestinians to help the peace fighters in Israel convince the Israeli people that there is a chance for peace for both nations.

MCINTOSH: Let me pursue my earlier point. You held out a lot of hope that through the normal democratic process, peace could be achieved if people in Israel could be convinced to change the government. Now if it becomes clear to Begin that the numbers are no longer on his side, do you honestly believe he will step aside peacefully?

ZICHRONI: I didn't say a lot of hope, just hope. Yes, I think that he would step aside. Israel is a democracy, and Begin is a sharp politician. If there were a change in the atmosphere among the Israeli people, then I think that Begin might change his attitude toward the Palestinian problem in order to remain prime minister. But if the attitude of the Israeli people to the Palestinian problem changes, then they would choose another prime minister, another government —let's hope a peace government. I'm not overly optimistic, but I am optimistic to a certain extent. That is why I am asking for your help in our fight to convince the Israeli people.

NOMA Hiroshi: I am very moved by your courage and by your guarded optimism that the democratic struggle for peace inside Israel will prevail in the end. I wonder if you and people like yourself are harrassed and attacked by the Israeli government for your beliefs and activities.

ZICHRONI: Of course, we are attacked sometimes, and an Israeli demonstrator was even killed. Let us hope that he was not killed by the government. He was killed, as far as I can determine, by extremists. Of course, there are certain risks involved. For instance, I used to sit in my office with a gas revolver. But I don't have it any more because today more Israelis are fighting for peace. Israel is not Japan. Israel is a small country. When I mentioned there being 2,000 to 3,000 demonstrators, I said to myself that in Japan, such a demonstration would not be seen as effective. But in Israel, a rally of 2,000 or 3,000 is a mass demonstration; a rally of between 20,000 and 400,000 is a monstrous demonstration.

Roman BEDOR: In your statement, you mentioned that Israel would not have achieved what it has without the assistance of the U.S. government. My question is this: Do you think, that the United States had prior knowledge of the invasion of Lebanon?

ZICHRONI: I'm not absolutely sure, but I think that the United States had previous knowledge, and I think it agreed to the war between Israel and Lebanon. Otherwise, it would have prevented Israel from continuing its conquest of Lebanon.

NOTES

1) Concerning this point, see Hisham Sharabi's most interesting article in the *Political Quarterly*, Volume I, No.2, entitled, "The Development of the PLO Peace Policy."
2) See for example the cautionary article by Zev Sheef in the daily *Ha'aretz*, May 12, 1982.
3) The Phalangists (al-Kata'ib/Phalange Libanaise) are the paramilitary organization founded by Pierre Gemayel in 1936. The Phalangists consist mainly of Maronite and Greek Catholic Christians. The Phalangists have been the most militant group opposing Arab nationalist movements and the Palestinian resistance in Lebanon. They claim to represent indigenous Lebanon, emphasizing the heritage of the Phoenicians.
4) The following excerpts are from the Kibbutz magazine *Alon Merchaviya*. Translation from the Hebrew is by A. Zichroni.
   (When the pilot entered the military airfield, a fellow pilot told him:) "*They* (the air command) *do not give us any concrete targets. The target is just the city Tyre. Probably one of our forces is stuck there . . . Pilots kept returning, all of them with the same story. . . . The orders were just to bomb the city without any concrete targets. To the repeated questions of pilots: Is there any mistake? Should we just bombard blindly? The command answer was: There is NO MISTAKE! This is exactly what we mean!*" . . . (The commander of the bombing force told him and other pilots): "*They probably decided to eliminate the terrorists with their houses, to bury them under the destroyed city. . . . This is another kind of war, this is a second world war.*"
5) See Legal Reference A (1), pp. 289—291.
6) See Legal Reference A (2), pp. 291—293.
7) See Legal Reference B (2), p. 297.
8) See Legal Reference A (3), (4), pp.293—295.
9) See Legal Reference A (5), pp.295—296.

"Made in U.S.A."

Franklin Lamb
U.S. Legal Specialist

I would like to look at the Israeli use of American weapons in Lebanon and particularly the Israeli use of American cluster bombs. My interest in this question dates back to 1978 when it became an issue before the U.S. Congress. This summer, I went to Lebanon for the purpose of looking into the subject, and I've returned four times since to follow it up.

The question arises why reexamine the utilization of U.S.-made cluster bombs when, as we were able to verify, the Israelis employed some 42 different types of U.S. weaponry in Lebanon. These included the 105mm cannon and mortar; the 122mm, 155mm, 160mm, and 175mm cannons; a host of aircraft, such as the F–15, F–16 and Phantom; phosphorus, white phosphorus, red phosphorus, and red magnesium ordnance; and guided bombs.

There are two reasons for analyzing cluster bombs here. One is that cluster bombs have been and continue to be an issue before the U.S. Congress. The body of law that applies to them is slightly different from that applying to some other American weapons, but only slightly. Generally, all that we conclude about the Israeli use of American cluster bombs and violations of U.S. and international law applies to every weapon identified as being American-made and used by Israel. But the reason for looking at cluster bombs in particular has to do with certain legislation and two treaties, the so-called secret agreements of September 9 and 11, 1978 that deal specifically with cluster weapons. A violation of the conditions attaching to the use by Israel of these bombs would trigger consequences under that legislation.

The second reason is that cluster bombs are technologically unique. It is important to talk about cluster bombs not just because of the experience in Lebanon, but because this weapon, which had its

birth in the early 20th century but came of age in Vietnam, is now filling the arsenals of NATO. Indeed, it is even found in the arsenals of the Japanese government. And if a non-nuclear war is ever fought in Europe, for example, it will be waged substantially, it is my submission, with cluster bombs. So you and the people in Europe, in particular, should know about them. This report is therefore also an attempt to educate the general public about this arm.

We can say with certainty that six types of American cluster bombs were used by Israel in Lebanon. I have with me samples of each. But you should know that there are over 50 different American cluster bombs, some of which were dropped last year on Stanley airfield during the Falkland Islands war. This one, for example, was also used in Vietnam. The Pentagon calls it the CBU–58. It wasn't the first, though. There was a CBU–20 series used early in the Vietnam war. That series was discontinued because it required pilots to fly at low altitudes, and the rather effective anti-aircraft defenses of the Vietnamese inflicted many losses. So the Pentagon launched a massive research and development campaign in each branch of the U.S. armed forces. Each service developed cluster weapons in coordination with the others but also on its own. As a result, the technology of these bombs is now very advanced indeed.

In order to understand how cluster bombs like the CBU–58, one of the most common, work, we need to look at their predecessor, the fragmentation bomb. Fragmentation weapons, such as the iron bomb of about 1,000 pounds, were used in World War II. This type of weapon would explode, let's say, into 200 chunks of metal. But to knock out even a tank, you had to use it in fairly close proximity. It was therefore considered to be a rather clumsy weapon. This was certainly true in Vietnam. The advantage of cluster bombs, which, according to Pentagon officials, became the darling of U.S. aviators in Vietnam, is that you can take a small object like the CBU–58 and put 650 of them into a large canister.

Let me show you the kinds of canisters that we found in Lebanon. This particular type was also used in Vietnam and is called the SUU–30 series canister. Another one used in Vietnam and found also in Lebanon is the MOD–7 type canister. The SUU–30 series usually carries the CBU–58 cluster bomb. The MOD–7 carries any one of four. Among them is the M–43E1 cluster bomb, which, incidentally, killed U.S. Marine Lt. David Reagan on September 30, 1982 at Beirut airport and wounded three others. This item is the M–43E1. There is also an M–42 cluster grenade. Another very similar

to it is the M–46. The important point is that the M–42 and the M–46 are now mixed. This is a Pentagon diagram showing them used together in the 155mm and 175mm shells. They are used in combination because the M–42 is designed to explode on the principle I will explain in a moment, whereas the M–46, which is almost identical to it, is tapered so that its thrust on exploding can penetrate up to six inches of metal. So you have an anti-personnel and an anti-armor capability combined in one artillery shell. It is now clear that the large canisters used throughout Lebanon carried about 650 CBU–58s and 147 "Rockeyes." The Rockeye is an anti-tank device, few examples of which have been found in Lebanon because they almost always explode. The type I have here is the Rockeye MK20. It can also fit into a large canister.

Cluster bombs, then, are an answer to the relative clumsiness of the iron fragmentation bomb. They incorporate a highly advanced technology which produces the following effects. The CBU–58, for example, upon exploding, sends out as many as 300 projectiles at a speed of up to 4,000 feet per second. To give you an idea of this speed, a bullet fired from a Kalashnikov AK-47 travels at 1,257 feet per second and that of an M–16 at about 1,100 feet per second, so the cluster bomb fragment is perhaps four times as fast. When you consider that 650 of these bombs are contained in one canister standing about 7.5 feet tall, you begin to get the idea: You can send out about 210,000 projectiles at rifle bullet velocity. These will virtually decimate the population in an area the size of a football field, sending one or more projectiles at that speed into every square inch.

You can imagine the thoroughness of this particular type of weapon. When Secretary of Defense McNamara and President Johnson decided to build a curtain or wall across Vietnam, they used substantially the CBU–58 to achieve that. Technology has advanced to the point where now we have the CBU–90. The Israelis also have the TAU–1, their own cluster bomb, which they have developed with a certain corporation under contract to the IDF. But I have not discovered any evidence indicating that they used the TAU–1 in Lebanon.

This weapon operates on the principle of a very high explosive contained in the center of the bombs that instantaneously converts to gas, causing a tremendous explosion, and another reason to consider the cluster bomb is the indiscriminate nature of its wounding capability and also the nature of the wounds themselves. It is a

relatively cheap weapon that can cause great devastation in a particular location. I mentioned the football field, but the explosion can be made to take a particular shape—a rectangle, a diamond, or even a figure-eight, if so desired—by using either a radar-controlled or delayed fuse device.

The principle of the canister, the large canister, which again can hold up to 650 bomblets, is that it can be timed to open like a clamshell after being dropped from the plane. Then all of these objects begin to tumble. In the CBU–58 there are ridges. The purpose of these ridges, as with the wings on the M–43E1, is to arm them. Wind resistance starts each bomb turning, and once it reaches a speed of approximately 2,000 revolutions per minute, it arms and will explode upon hitting the ground.

There is yet to be written, I think, a definitive medical analysis of the effects of cluster bombs on human beings. But clearly those who worked in the hospitals and clinics of West Beirut were very troubled early on because, with the exception of Paul Morris from London and a couple of others, they didn't have people with medical experience in Vietnam. Medical personnel didn't really have the skill or knowledge to treat cluster bomb wounds.

We know from the medical reports of the doctors present, however, that the velocity of the projectiles causes a very definite and early necrosis, which means tissue death, and that's why you have so many amputations, what some have called "Begin amputations." You don't find those kinds of amputations, incidentally, in the second world war, in Korea, or even in Vietnam. One of the reasons for this is the great velocity of the projectiles released by the newer generation of cluster bombs. If a victim is hit in the hand or the foot, it may be necessary to cut off the entire arm or leg, which seems very surprising. This is because the high velocity sends a pressure wave up the arm and rather quickly causes the death of the tissue. Sometimes on the outside, on the surface of the body, the wound seems relatively neat, but inside, because of the twisting motion of the bomb fragments, the tissue and the bones are all chewed up. At least two doctors have written about a particular arm to which there was no form. It took a direct hit from a cluster bomb, and even though there's normally a bone there, the velocity of the turning projectiles simply ground the bone up.

There is a particular problem with cluster bombs, however. They don't always explode. Yona Efrat, the retired major general who served on the Kahan Commission, indicated to me that up to 20

percent of the cluster bombs that Israel dropped in Lebanon did not explode. This is particularly problematical, I suggest, for the people, the civilians and the children of Lebanon, who come upon them by accident. Some bombs didn't explode either because the angle of release wasn't quite correct or, as certain evidence suggests, because some were jettisoned in West Beirut on the way back from bombing runs over the Biqa' Valley. In other cases, the bomb loads were carelessly dropped because of anti-aircraft fire and didn't explode. Some of the MK–40s didn't explode around the Beirut airport in the Bir Hasan area because of the soft sand. Due to its pointed construction, the MK–40 penetrated the sand without detonating. The M–43E1, when dropped in windy conditions, often gets caught in trees or on rooftops and fails to explode. The same is true of the M–42, which is armed in flight by a ribbon. I recently visited the multinational forces there, and they indicated that after a rainstorm, they get many telephone calls from the local people or the police asking them to come and clear out bombs embedded in the sand. Another reason to be concerned about cluster bombs is that, as in Vietnam, they are still lethal and can explode as long as ten years after being dropped on soft ground.

The Israeli use of cluster bombs is now an issue because of the general background of denial concerning the use of these weapons. Only recently has a qualified admission been made on that subject. Evidence is available from a number of sources in Lebanon and includes some of the details peeled off of the weapons. These have been verified as giving the lot number assigned them by the Pentagon for shipping. Information was also provided by particular doctors who signed affidavits testifying that they had treated cluster bomb patients. Affidavits were also taken from the Israelis themselves. Interestingly, on June 15, Prime Minister Begin was in Washington telling the president that he didn't know these weapons were being used in Lebanon and that he would put a stop to it. Two days later, the Israeli army distributed this document in Hebrew, proving that cluster weapons were in use throughout Lebanon. The document shows an Israeli Defense Force diagram of the bombs.* More recently, there have been some qualified Israeli admissions of their use.

To return to my original point, establishing the fact that despite denials Israel employed these weapons has to do not only with

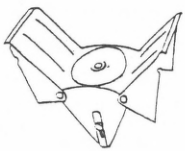
*See the next page.

SAFETY INSTRUCTIONS TO COMMANDERS AND SOLDIERS STAYING IN LEBANON AND THE NORTHERN AREA

. . . In territories where cluster-fragmentation bombs (bomblets) have been put into action, from the air or by artillery, there are a lot of falls. One must avoid moving in these areas, and if possible, these zones must be fenced. They must be signaled both on the ground and on the map, at least in the vicinity of our forces. If, for operational reasons, these areas must be moved through, special precautions must be taken while moving. In order for you to know what to be aware of, and also in order to satisfy curiosity, here are sketches of the two sorts found in the field. Beware not to walk on them, don't touch them, and don't be tempted to check if they are empty or loaded.

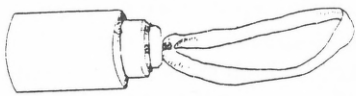
Remember: if it has fallen, it is loaded and ready to explode. Don't overlook the danger of other projectiles.

bomblet with open wing



bomblet with closed wing

another kind of bomblet



Mahmoud Isa Moussa
No. 20793/928
Huda Khalil Shalab
No. 17392/529

Extract from a leaflet distributed by the Israeli army (original in Hebrew). This evidence was submitted by witness Troy Rusli.

violations of international law, which I won't have time to go into, but with U.S. law. According to the July 23, 1952 treaty between the United States and Israel, American-supplied weapons are not to be used in any aggressive action but only for purposes of legitimate self-defense. In 1976, the U.S. Congress passed the Arms Export Control Act. This is more specific with respect to the utilization of American weapons and applies, of course, to cluster bombs. It says that these weapons are not to be employed against any civilian population. They are to be used only if Israel is attacked itself, that is, for legitimate self-defense.

After 1978, however, it became apparent that Israel was using the CBU–58. In fact, the French contingent in Beirut today was assigned to the UN Interim Force in Lebanon in 1978 and reported finding then over 3,000 unexploded CBU–58s.

In 1978, the U.S. leadership, specifically National Security Adviser Zbigniew Brzezinski, negotiated directly with Prime Minister Begin on this point. He told the Israeli government that the United States was fed up with the use of these weapons and noted frankly that the Americans had been lied to by the Israelis. As a result, the United States again outlawed the use of American cluster bombs against civilians in a document negotiated on September 9, 1978. The document specified that Israel could not employ them unless it was attacked on land by two or more of the Arab armies with which it went to war in 1967. The sanction for violating this agreement under U.S. law is that arms to Israel be cut off.

By establishing the fact that Israel is using these weapons in violation of U.S. law, we put the U.S. Congress in a bind. Under our system of government, a treaty, i.e., an international agreement to which the United States is a party, has the force of domestic law. Under Article VI of our constitution, Congress is sworn to uphold all treaties as the supreme law of the land. The dilemma for Congress is that it must either enforce the law of the land or breach its constitutional duty. In this case, Congress would have to cut off all arms to Israel or change the law. Of course, it could also ignore the law. But in any event, Israeli treaty violations create the scaffolding for a constitutional crisis.

Inquiry by the Jury

NOMA Hiroshi: How does the U.S. Congress actually deal with violations of international law at present?

LAMB: The Congress has not formally found Israel in violation of the treaties, but it is hoped that it will be forced to take up the issue. The U.S. government, however, on six occasions, only three of which have been made public, has found that Israel may have substantially violated the provisions of the U.S. Arms Export Control Act. To trigger the sanctions, it would take either a finding by the Congress in a joint resolution or by the president that there has indeed been a violation. So the question has not been formally settled as far as the Congress is concerned, because it hasn't acted on it directly.

Under our system, international law only has the status of municipal law if the United States itself is a direct party to the agreement in question. That means we can't invoke much of international law within the domestic system. But we certainly can invoke the 1952 treaty with Israel, because it involves a bilateral accord to which we are party.

INOUE Kiyoshi: Would you mind submitting the report of your investigation and the material evidence you have gathered in Lebanon to the jury?

LAMB: Someone wanted to know earlier about the so-called vacuum bomb. There's been some interest shown in this weapon. At the Sanaya garden on August 8, a bomb hit a building and caused it to collapse completely, killing 215 people. Questions have also been raised about the kind of bomb that was used in Fakhani on the Abu Iyad building and elsewhere. I think we can now make a definite statement about what that weapon was. A witness from Norway drew a diagram and called it a "concussion" or "implosion bomb"; others called it a "suction bomb." There was also a notion that it might be a "vacuum bomb."

In a sense, each of these names is accurate because it describes the characteristics of this arm. But I think it's clear that it was the MK–82 guided bomb, which the United States first supplied to Israel in 1980. Two were sent then. Israel used one of these on June 6, 1981 on the Iraqi nuclear facility. It then purchased 14 guided bombs in 1982 at a cost of US$4.4 million, in other words, about $300,000 per bomb. Of the 14, Israel has used seven in Lebanon, one at the Sanaya garden, one on the Abu Iyad building, two in the south (one in

Sidon), and three others elsewhere. Only four of the seven dropped actually exploded. During my recent visit to Lebanon, I saw one of these. It is now under the jurisdiction of the French, who are not sure frankly what to do with it. It's a very big 2,000-pound bomb with a laser-guided system, which accounts for its accuracy.

Eduardo del RIO: Did you say that Israel is actually manufacturing cluster bombs?

LAMB: Yes. The TAU–1 is being manufactured by Israel. Israel began a crash program to develop it after the skirmish with Egypt in 1970, but it was a secret program, and the United States didn't learn about it until 1980, ten years later. This weapon has been described by some as one of the most effective cluster bombs in existence. They say it is 25 times more effective than a fragmentation weapon, and we normally think of cluster bombs as being six to eight times as effective in terms of "denial of area," that is, the total or near total destruction of a particular area. So Israel does indeed have a cluster bomb of its own. But I saw no evidence that it was used in Lebanon. The fact of the matter is not completely clear. When pressed, Brig. Gen. Menachem Marone, the Israeli military attaché to Washington, hinted that Israel had employed it. But we've looked into the question thoroughly, and I'm satisfied that if the Israelis dropped their own cluster bomb, they didn't do so very extensively.

The Destruction of Lebanon

Albert Farhat
Lebanese Jurist

I am a Lebanese lawyer and member of the Lebanese National Movement.[1] I have testified at various international conferences, including the International Commission of Inquiry into Israeli Crimes Against the Lebanese and Palestinian Peoples held in Cyprus. I would like to present my views on the Israeli invasion of my country.

First, I must emphasize that the Israeli invasion of Lebanon was premeditated aggression, planned and prepared well in advance, and that it bears no relation whatsoever to the aims proclaimed by the Israelis. As you are aware, the government of Israel claims that this war—and it was a war—was intended to assure peace in Galilee. But it is a well-known fact that from July 24, 1981, that is, for a full year prior to the invasion, a cease-fire agreement was in effect between the Palestine Liberation Organization and Israel. Under UN supervision, the cease-fire was designed to insure total peace along the Israeli-Lebanese border.

Ariel Sharon, then the Israeli minister of defense, declared on June 18, 1982 that he had been preparing for the invasion of Lebanon ever since his nomination as defense minister in August 1981. This report was carried in the Israeli newspaper, *Yedi'ot Aharonot.* On May 14, 1982, just three weeks before the invasion, Lt. Gen. Rafael Eitan, chief of staff of the Israeli army, declared, "Since I have built an excellent apparatus by the investment of billions of dollars, I must make use of it. And therefore I will be in Beirut soon" (*Yedi'ot Aharonot*).

According to our analysis, the real aims of the invasion were to destroy the PLO, deal a blow to the Lebanese National Movement and Syria, and force the Lebanese government to sign a treaty in effect transferring its sovereignty to Israel. The ultimate goal was to establish a new political and regional order in the Middle East under

the wing of the United States and in line with its strategy of rapid intervention. This goal is also consistent with the strategy of imposing a U.S.-Israeli peace in the region based on the Camp David agreements.

But here I would like to examine at some length the specifically Lebanese aspects of the invasion. The important point is that Israel intended to destroy Lebanon as a unified, independent, sovereign state. This fits in with Israel's long-term expansionist designs on Lebanon, which go back a long way. In 1948, David Ben-Gurion, Israel's first prime minister, declared, "The Lebanese government must be overthrown in favor of a Christian state whose southern boundary will be the Litani river."

Moshe Sharett, the former minister of foreign affairs, recorded Israel's expansionist aims in his diary. On May 14, 1954, nearly 30 years before the Israeli invasion of Lebanon, after a staff meeting of Israeli defense and foreign affairs officials, Sharett wrote, "According to [Moshe] Dayan, the only thing that's necessary is to find a Lebanese officer, even a mere major will do (*Col. Sa'd Haddad is just such an officer*!). We should either win his sympathy or buy him off with money to have him declare himself the savior of the Maronites. Then the Israeli army will enter Lebanon, occupy the necessary territory, and create a Christian regime that will ally itself with Israel. The territory from the Litani river southward will be completely annexed by Israel."

All of this, the destruction of Lebanon, the breaking up of an independent state, the annexation of part of its territory, the transformation of the other part into an Israeli protectorate, was planned as early as 1954. These were the major objectives of Israel's invasion of Lebanon last year. But this plan is part of a grander design that is intended to dismantle the other states in the region and Balkanize the Middle East, that is to say, create a number of mini-states divided along religious lines. *The Times* of June 14, 1982 reported that during his trip to the United States, Defense Minister Sharon showed a map indicating a Christian Lebanon, an Israeli Cis-Jordan (including the West Bank), and a Palestinian Jordan. Sharon is not alone. The new defense minister, Moshe Arens, is no better. This man, sadly, is famous in my country for having called Lebanon "a geographical mistake."

Through my testimony, I hope to draw your attention to the great peril that threatens the existence of an independent state and member of the United Nations. The invasion of Lebanon and the

occupation of nearly half of its territory constitute a flagrant violation of the sovereignty, the territorial integrity, and the national independence of my country. This occupation continues in spite of the unanimous decision of the UN Security Council condemning it and despite Security Council Resolutions 508 and 509.[2] Not only does the Israeli occupation of Lebanon constitute a danger for my country; it is also a danger for the entire international community. It is a danger for the international political order instituted after World War II and sanctioned by the Charter of the United Nations.

The Lebanese people are fighting against the occupation, using every means at their disposal. But we think that ending Israeli aggression and the occupation of Lebanon is equally the responsibility of the international community, whose task it is to see that its members respect decisions taken by the highest international authority. What is at stake in Lebanon is not merely the fate of my country, but that of the rule of international law as well.

Finally, I would submit two questions for your consideration. What will be the future of international relations, from the perspective of the late 20th century, if Israel is permitted to continue, with impunity, holding up the UN Charter to ridicule and trampling underfoot UN resolutions? Second, can we afford to allow the United Nations to meet the same fate as the League of Nations, which proved powerless to stop aggression between the first and second world wars? We consider these to be crucial questions, and I hope this tribunal inquires into Israeli violations of the sovereignty, territorial integrity, and independence of Lebanon.

In closing, I would like to say a few words about the resistance of the Lebanese people to the Israeli occupation. This resistance takes many forms, both passive and active, including military actions undertaken by Lebanese patriots against enemy forces, especially in the occupied territories. We would also ask that this tribunal recognize the legitimacy of this struggle and the inalienable right of the Lebanese people to use every means possible to fight against the foreign occupation of their country.

Inquiry by the Jury

NOMA Hiroshi: We are very grateful to you for describing to us, from

your own experience, the exceptionally difficult situation created in Lebanon by the invasion and for providing us with information concerning Israel's long-standing plans to invade Lebanon, occupy half its territory and expel the population. I feel that the struggle being waged by the Lebanese resistance movement is, at this moment, at a very, very difficult stage. I hope, and anticipate, that the United Nations will not go the way of the League of Nations, that it will be revitalized and become stronger.

David DELLINGER: I'd like to ask if you think that the United States poses a threat to Lebanese independence. Let me preface that by saying that there are many documents and leaks indicating that the United States knew of the invasion beforehand. There are indications of U.S. ship movements and of U.S. marines being ordered to gather and go to Spain four days before the invasion took place. There are also documents that suggest that the CIA contacted the Phalangists a few years ago and has [since] been working [with them] behind the Israelis' backs. And I understand that Israel paid the expenses of the [Phalangist] soldiers. Now there is a rumor that the United States plans to train the Phalangists, or the Lebanese armed forces. I would like you to comment on the possibility that the United States, having used Israel to open up Lebanon, will now move into the area itself and become the major force threatening Lebanese independence.

FARHAT: If I understood you correctly, your question concerns U.S. responsibility for the invasion of Lebanon, before and after. The United States has always declared publicly that it supports the independence, unity, and sovereignty of Lebanon. But I think that the Israeli invasion could not have occurred without the consent of the U.S. government. But that is not the only aspect. This aggression seems to fit well with American policy in the Middle East in general. I alluded to this in my testimony, and I agree completely with what our friend the mayor of Nazareth told us about the U.S. role in the invasion.

I would even add that Sharon visited the United States in late May, a few days before the invasion began, to get the "go" signal, which Washington gave. The role of the United States during and after the aggression is proof enough that it does not respect its verbal stand of support for Lebanese independence. The six-point accord proposed by Mr. Philip Habib, according to which the United States promised to guarantee the safety of the Palestinian and Lebanese inhabitants of West Beirut, was not respected. The Israelis demanded that the U.S. and other multinational forces pull out early so that

their own troops could go into West Beirut and do what, in fact, they did after entering that part of the city. The U.S. government did what Israel asked it to; it did not keep its word with respect to the Habib accord.

Moreover, the United States has not kept its promises to the Lebanese government concerning the evacuation of Israeli soldiers. The American government promised that the withdrawal would take place before November 22, 1982, Lebanese Independence Day, but of course it didn't. Then the United States said Israeli troops would be evacuated at Christmas, and after that, at New Year's. These are promises that Mr. Habib made to the government of Lebanon. The United States always sets a new deadline but never meets it. During the tripartite negotiations on this question, the U.S. government promised the Lebanese government it would pressure Israel into withdrawing its forces. But now they tell us that maximum pressure was exerted when the United States forced Begin to put off his trip to Washington and that now there is nothing further they can do.

I will conclude by saying that the Lebanese National Movement is not alone in thinking that the United States neither keeps its promises nor tells the truth. A majority of the Lebanese people are also convinced of this. Even the government, the Lebanese government that has entertained so many illusions about the role of the United States, has now begun to reevaluate its thinking on this point. The fact that the president of the Republic of Lebanon finally decided to participate in the non-aligned summit at New Delhi shows that even Mr. Amin Gemayel, with all his illusions about the Americans, has at last begun to think a little bit differently.

NOMA: What is the relation between the Phalangists and Israel, and what are the reasons for their collaboration?

FARHAT: The relation between the Phalangist Party and Israel, as far as I am concerned, is one of alliance. It has been that way for some time. But since the Israeli occupation, a change has occurred, even inside the Phalangist Party, and many Phalangists have begun to reexamine their consciences. Following the occupation, the influential elements inside the party began to think that they should not look to the outside, abroad, for a solution to the problems of Lebanon. They realized that Israel could not help the Phalangists, that Israel's designs on Lebanon are total.

In answer to your second question, this is not the first time that the Phalangists have turned to outside help. During the Lebanese civil war of 1975–76, they looked to the outside for support against

the majority of the Lebanese people. The Phalangist Party is a party of the right wing. It is sectarian, fascist, and represents the interests of a rather privileged minority of Lebanese. In 1976, the Phalangists appealed to Syria for help against the Lebanese National Movement. When Syria refused, they turned to Israel. But we hope that now, even inside the party, Phalangists realize that there is no solution to the Lebanese drama without a national reconciliation among all the elements of Lebanese society.

YOSHITAKE Teruko: You and some of the earlier witnesses said that America gave its prior consent for the Israeli invasion of Lebanon. We, too, believe that this was probably the case, but just thinking so is not sufficient grounds for arriving at a judgment. I wonder if you could give us some concrete proof or indication that America surmised an invasion was near, or rather gave Israel its approval for such an invasion.

FARHAT: All I have for evidence are a few facts and statements. We know, for instance, that the state of Israel is armed and financed by the United States. We see the Israeli state as the local agent of the United States in the Middle East. I mentioned the visit of Sharon to Washington at the end of May, a few days before the invasion of Lebanon. I refer you to Sharon's statement that he discussed this matter in late May while in the United States. It is also significant that in November 1981, the United States concluded a strategic cooperation agreement with Israel. Finally, on May 26, during Sharon's U.S. visit, the Senate Foreign Relations Committee voted to grant a new military aid package to Israel. We may consider this the green light. I do not have all the details, but it is worth noting that the Senate voted to send Israel 75 F–16 fighter bombers and other hardware worth US$2.1 billion. It seems to me the figures speak for themselves.

NOMA: The jury will, of course, collect as many of the relevant documents as possible, but we would be most grateful if the witnesses could provide us with whatever written material they have in support of their testimony.

ITOH Narihiko: I would like to ask some questions concerning the brother of President Amin Gemayel, president-elect Bashir Gemayel, who was assassinated on September 14, 1982. First, is there a relation between the election of Bashir Gemayel and the Israeli invasion of Lebanon? Second, what forces do you think were behind his assassination? My third question is what, in your opinion, did Israel gain from Gemayel's death?

FARHAT: The circumstances surrounding the election of Bashir

Gemayel are well known. It is not a figure of speech to say that Bashir Gemayel was elected by the force of Israeli cannons. But he was young, very ambitious, and lacked extensive political experience. The meeting held between Bashir Gemayel and Menachem Begin following Gemayel's election [August 23] was given wide coverage in the international press. Begin had been pushing Gemayel to sign a peace treaty with Israel. But after his election, and before his inauguration, Gemayel realized that this was an impossible task. The famous meeting took place in September at Nahariya in northern Israel a few days before Gemayel's death. When it finished at 3 A.M. the next morning, the two leaders left in disagreement. But Gemayel had already made a number of declarations to the effect that after the election, his priority would be to reestablish unity among Lebanese.

Another point of contention between Israelis and Phalangists was the fact that the Phalangists did not live up to agreements made with Israel concerning the invasion of Lebanon. According to one understanding, the Israeli forces were to advance up to the Beirut city limits, and the Phalangists were then to enter the city and conduct mopping-up operations. But Bashir Gemayel did not do this.

So what happened to Gemayel? It is not clear to me, but it is known that after his meeting with Begin, he talked with his father, Pierre Gemayel, and with Sa'ib Salam, the former prime minister, and told them that he was worried about the pressure Begin was putting on him. The official inquiry into Bashir Gemayel's assassination did not get very far in Lebanon. The question itself is almost taboo.

NOTES

1) The Lebanese National Movement is a coalition of political parties and factions in Lebanon. The movement gained its force under the leadership of Kamal Jumblatt, who was killed in March 1977, and includes the Progressive Socialist Party, Ba'thist parties, the Lebanese Communist Party and other communist formations as well as Nasserist movements and groups.

2) See Legal Reference B (2), p.297.

Beirut Under Siege

Franco Cancellieri
Italian Anesthetist

I am an Italian anesthetist. From November 5 to December 30, 1982, I worked in Lebanon as part of a surgical team. We were sent to West Beirut by the Italian Ministry of Foreign Affairs to help the Lebanese and Palestinian people injured during the last Israeli attack in the summer of 1982.

Our team worked for AMEL (Association médicale d'entre-aide libanaise), a private Lebanese medical mutual-aid organization, and for the Palestine Red Crescent Society (PRCS), the well-known Palestinian health association. We carried out our work in two buildings. The Lebanese clinic was originally set up in a garage used as an antiaircraft shelter and later moved to two floors of an abandoned seven-story building just near the "Green Line," the zone dividing East and West Beirut where the 1975–76 civil war was fought. The Palestinian medical center was Akka Hospital, a two-winged, four-story building near the Shatila refugee camp in southwest Beirut. I should point out at once that we only performed surgery in the Palestinian hospital because in the Lebanese center there was a shortage of water, frequent electricity cuts, and dirt, all of which made treating patients in the operating theater both difficult and dangerous.

When we got to Beirut, the city was quiet enough, and the peace, guaranteed by the American, French, and Italian multinational forces, was only broken occasionally by brief light weapons fire and explosions. (I myself witnessed two of these blasts, the latter of which was the attempt made on the life of the socialist leader Walid Jumblatt.) Although life was returning to a semblance of normality due to the people's remarkable capacity for recovery, we were quite shocked at the sight of the city.

The majority of the buildings in the western strip near the sea

and those in the central southwestern zone near the stadium, where the Palestine Liberation Organization had its headquarters, had been shelled by Israeli ships and tanks and bombed by aircraft until all that remained was a heap of rubble. The situation in the center of the city was better, but even there, many buildings had been hit even though they housed only civilians. Embassies, hotels, and hospitals had also been destroyed. The water and sanitation situation was much worse although three months had elapsed since the end of the fighting: There was a severe shortage of water and frequent electricity cuts; heaps of rubbish and rubble lay everywhere; and dogs, cats, and rats roamed the streets.

But we saw the worst conditions in the Palestinian camps near the airport. Severely hit by shells and bombs, a large number of buildings had been destroyed. Many others had been demolished by the Phalangists using dynamite in September. Only a few water taps remained in service and people crowded around them, while sewers ran open along the streets. Compared with the scenes of destruction and ruin in West Beirut, East Beirut looked much cleaner and more functional and peaceful than ever.

The day after our arrival, we visited the PRCS hospitals of Gaza and Akka next to the Palestinian camps and one of the hospitals run by the AMEL organization in a popular quarter in the center of West Beirut. The conditions at Gaza Hospital were quite good. War damage had been repaired, and a staff of Palestinian and foreign doctors and nurses were working, providing mainly obstetric and gynecological treatment. The hospital suffered from a lack of orthopedic surgeons, plastic surgeons, and anesthetists. Akka Hospital, however, had perhaps suffered most from previous shelling. Moreover, the Phalangists had committed every sort of atrocity inside the hospital and had killed some patients, doctors, and nurses there during the September massacres. But after a few repairs, the center seemed to be suitable for surgical activity, although it was almost completely lacking in staff (only six resident doctors and some nurses were available).

We decided not to perform any surgical operations in the AMEL hospital because of the unhygienic conditions and, as I said before, because of the blackouts and water shortage. For these reasons, and in order to help both the Palestinian and Lebanese populations, we chose to organize our clinic in the AMEL and Akka hospitals but to perform surgery in the Palestinian hospital, and only after all repairs had been completed.

Besides a few common surgical cases of appendicitis, hernia, and bowel stoppage, the cases we saw involved above all traumatisms, not so much acute traumas as the aftereffects of previous traumas, all consequences of the war and especially of phosphorus bombs. We also saw many diseases, abscesses, and phlegmons resulting from poor hygiene. It is important to stress that the majority of our patients had received either no medical care at all or poor care, or treatment already begun had been interrupted inopportunely. That occurred because of the war and the country's health system with disastrous results for the people: We saw diseases and lesions that had reached a stage we thought impossible.

After three weeks' time, when the operating theaters of Akka Hospital had been repaired (in particular, the lighting system and the water, gas, and vacuum pipes, which had been badly damaged by shell and bomb blasts), we began to operate. At the beginning it was rather difficult to persuade people to seek hospital treatment. Palestinians, in particular, would not cross the road dividing Shatila camp from the hospital because they were so terrified at what had happened there. The Lebanese army sentry on duty certainly did not lessen their fears. They were reassured only when they saw that nothing happened either to us or to the patients we visited. The presence in the hospital of an official medical team sent by a foreign government was considered, rightly or wrongly, a source of security, and we were invited to take residence in an apartment on one floor of the building.

Soon, as the clinic began to function and surgical work got underway, we saw the first signs of hostility from the Lebanese government. Lebanese army soldiers came on two occasions to the store where drugs and other sanitary articles were kept for Akka and Gaza hospitals and took away most of our stock. We protested but in vain: The soldiers had strict orders, which they carried out. That news was reported in the Italian press.*

In those days we often saw the Lebanese army engaged in mopping-up operations in the Palestinian camps. During one of these operations, a patient was shot and killed at Gaza Hospital. We saw the corpse. Italian soldiers with the peace-keeping force intervened many times when the Lebanese army committed brutalities against the Palestinian population, but according to the terms under which the multinational force was stationed in Lebanon, they could do

*See the note on pp. 53—54.

nothing to prevent the many arrests that occurred during the mopping-up.

In spite of all this, we visited more and more patients, approximately 500 altogether, and operated on 80 of them, mostly plastic cases for burn scars and cases involving tendon (hand and forearm) lesions. This activity, too, was written up by many Italian dailies, by one progressive Lebanese newspaper, and by an Algerian paper. We also made a list of an additional 100 patients, Lebanese and Palestinians, in urgent need of major surgery—impossible under the conditions I have just described—who could have been treated in Italy. Unfortunately, as the Palestinians would not have been allowed back into Lebanon after leaving the country, we had to exclude them.

I should point out that patients could have undergone necessary operations in many Beirut hospitals even during and just after the war, but the cost of hospital treatment was staggering compared to people's means. Besides, Palestinians could not afford the risk of going beyond their camps. The Palestine Red Crescent Society, which had been so efficient before and during the war, had by this time lost most of its medical personnel.

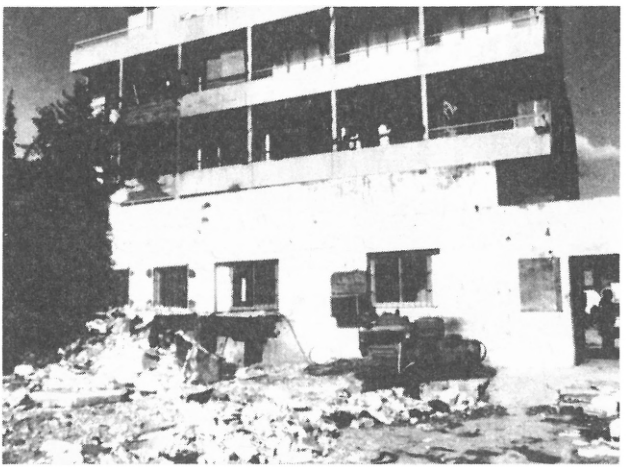
The Association of Lebanese Doctors protested to our ambassador, through the Lebanese health minister, because we were giving free treatment. I think this was not so much because we were robbing them of patients, who would never have had the means to pay anyway, but because the doctors' association and the Lebanese government were against the Palestinians from the outset and disagreed with the principle that people have a right to medical care whatever their financial means or nationality. Many times the Lebanese army entered the hospital asking us and our patients for documents, clearly trying to harass both us and them. Because of these signs of hostility, the Italian Ministry of Foreign Affairs decided to reduce, at least temporarily, our presence in Lebanon, and only two of us remained more than two months. They are still there.

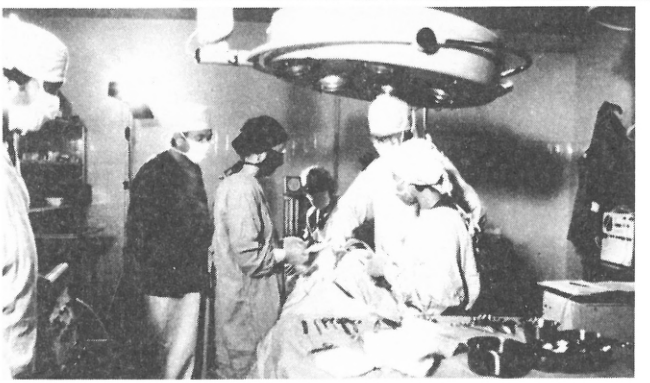
As I have already mentioned, we visited only Beirut, and then for a little less than two months in November and December, 1982. In that place at that time, Israel launched no military actions, but the signs of its previous wild attacks were evident everywhere, above all in the poorer quarters of West Beirut and in the Palestinian refugee camps. These attacks caused the population serious difficulties: We could see the effects clearly from the state of the health of our patients. Another point I wish to underline is that where the Israelis could not express their rage against the Palestinians directly, attacks

upper One of the few sources of water. It is being protected by soldiers of the Italian multinational force.

middle left The main street of Shatila—an open sewer runs along the street.

bottom right The attempted assassinaton of Progressive Socialist Party leader, Walid Jumblatt, December 1, 1982.

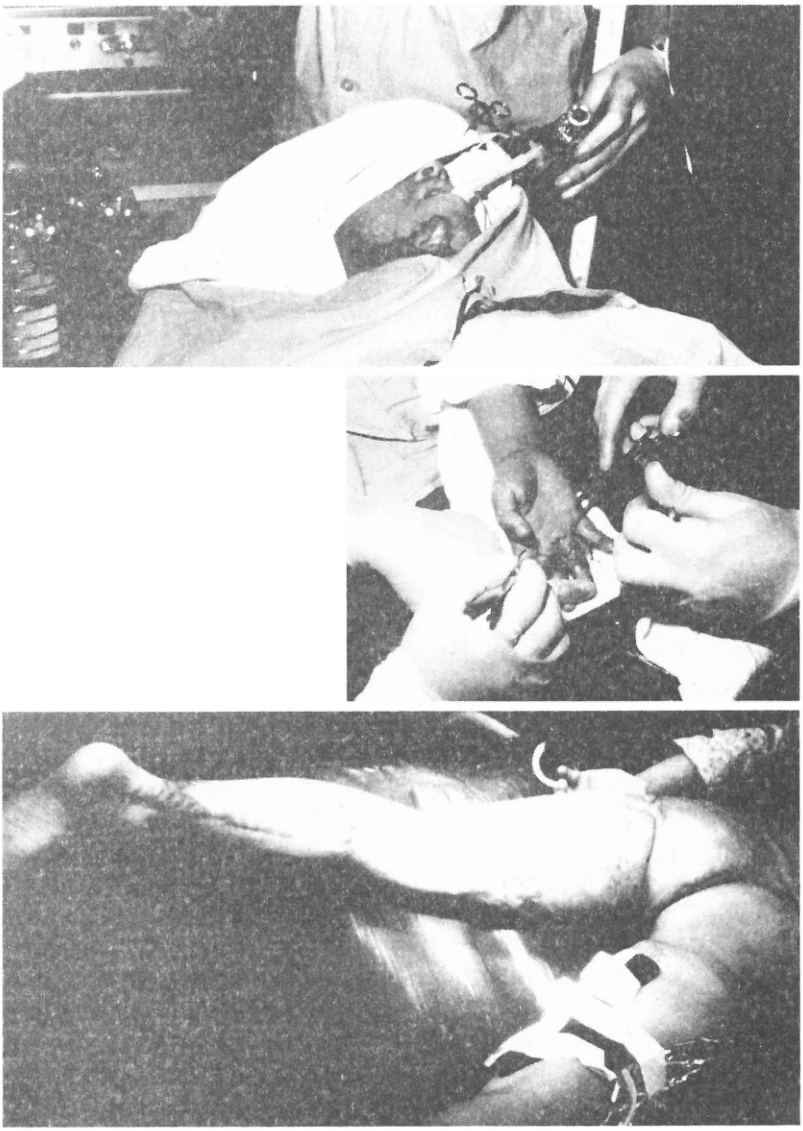




upper The Akka Hospital—a front view of the building.
middle The Akka Hospital—a rear view.
bottom The operating room.

middle A six-year-old girl with burn scars.

upper left Scars on the neck of the same patient.
upper right After plastic surgery (Z-plastic).
bottom After plastic surgery for scars, right armpit.



upper Burn scars on the lower jaw and neck of a 20-year-old man.
middle Skin transplant operation for burn scars on fingers.
bottom Burn scars on the leg of a 10-year-old girl.

were carried out by proxy through the Phalangist Lebanese government and army, which were allied with Israel. These attacks took the form of mopping-up operations, arrests, killings, and maltreatment. Other forms of violence were reflected in the chaotic state in which the camps were left and in the disregard displayed by the Phalangists for the urgent health needs of both the Palestinian and Lebanese populations. Finally, we would have been able to set things right, in part, but we were thwarted, indicating that such a state of affairs was actively desired by the Lebanese government, which acted as the accomplice of Israel in seeking a "final solution" to the Palestinian problem in Lebanon. The last and certainly worst aspect of this complicity is that the savagery was then directed not against guerrillas, but against old people, woman, and children.

Inquiry by the Jury

YOSHITAKE Teruko: In your testimony, you said that the multinational peace-keeping forces interceded when they caught Lebanese troops assaulting Palestinian refugees in the camps, but that the terms of the agreement under which they were in Lebanon prevented them from being effective in many cases. Could you explain in concrete terms what this agreement was and how it was arrived at?
CANCELLIERI: The multinational forces could intervene only when, in the camps, the streets, or the city, the Israeli or the Lebanese army, or anybody, committed brutalities against the civilian population. But these were only normal police operations. The Italian, French, and American forces couldn't intervene in cases where the Lebanese army arrested people without committing brutalities. This left the Lebanese forces completely free to commit brutalities once people had been arrested and transported to another place out of sight of the multinational forces and journalists.
YOSHITAKE: You said that your medical team was forced to withdraw from Lebanon because of hostility toward your activities. Could you give us a better idea of the form that this hostility took?
CANCELLIERI: We left for the following reasons: First, the Lebanese government robbed us of our store of drugs and other medical materials. Second, they asked us for work permits, a ridiculous request because when we decided to go to Lebanon, there was no

government at all, and certainly no question of having work permits. Third, the Lebanese medical association I mentioned complained about our work to the Italian ambassador. This complicated relations between our two governments, and the Italian government decided to reduce our personnel to avoid further trouble, and to avoid any risks to our security.

LEE Fwe Song: Did you, the members of the Italian team, make any kind of protest against the attitude of the Lebanese medical association?

CANCELLIERI: The medical association protested to the health minister, who took up the issue with our ambassador. We couldn't complain either to the medical association or to the Lebanese Health Ministry because the Italian Ministry of Foreign Affairs decided to recall us to Italy. There wasn't time to protest to the Health Ministry or the Lebanese government.

LEE: When you say there wasn't time, do you mean you were forcibly sent from the country? You stated that only two members of your team were able to remain in Lebanon and that the others had to leave in a hurry, given the situation. Were you compelled to pull out because of outside pressures, and did the short notice physically prevent you from lodging a protest over the matter?

CANCELLIERI: We were obliged to move out of Lebanon for security reasons. Our foreign office was afraid that something might happen to us.

NOMA Hiroshi: The experience you have recounted is a very valuable one and raises an important question: how to provide international aid in a case like Lebanon, bearing in mind the international dimensions of the problem, in a way that enhances the country's independence. When a situation arises like the one you have just described, how should people in other countries go about organizing the relief effort? I think that unless we pay very close attention to this problem, our efforts to help out in these situations are going to fail time and again. Do you think the safety of foreigners who are in Lebanon to render assistance and who are concerned with preserving the country's independence could be threatened again? Isn't the root of the problem this: the Association of Lebanese Doctors felt that in some way, the foreign medical teams were infringing upon their professional prerogatives? Am I right, and how do you see the question?

CANCELLIERI: The Lebanese doctors protested for two basic reasons. First, we were working for the Palestinians and for the poorer

Lebanese people. Second, we introduced a new factor to Lebanon: the right of the population to receive free medical care. This was hated by the Lebanese doctors because medicine in Lebanon is completely private. Lebanese doctors get very rich in a very short time by treating only those patients who have the means to pay. The rest of the population is left without any medical help.

MORIKAWA Kinju: My question is related to that of Ms. Yoshitake. I don't have a very clear picture of the relationship between the Lebanese government, the Phalangist Party, and other Lebanese military forces. When you speak of the hostility of the Lebanese government, do you mean the hostility of the Lebanese armed forces as well? What is the relation between the two?

CANCELLIERI: To a large extent, you can see the Lebanese government and the Phalangists as the same thing. The head of the Lebanese government is a Phalangist, Amin Gemayel. He is a moderate in comparison with Bashir Gemayel, but it is a question of nuance. In the Lebanese army, the majority of officers are Phalangists, and I heard from witnesses that during the massacres of September, some Lebanese army officers were with Phalangists and the men under Sa'd Haddad. The links between the two organizations are very close, it seems.

Douglas LUMMIS: I have three questions. First, I may have misunderstood, but I believe you stated that you saw the corpse of a patient who had been killed in a hospital. Is that right? My question is do you know who killed that person, and how do you know?

CANCELLIERI: I didn't see the killing. Someone told us it was done by the Lebanese army during a mopping-up operation. We saw only the dead body. From the body alone, there was no way of knowing who the killer was. Some witnesses told us that it was the work of the Lebanese army.

LUMMIS: Does that mean you talked to someone who actually saw the killing?

CANCELLIERI: No, I can't be completely sure.

LUMMIS: My second question pertains to the pictures you showed us of burn wounds. Can you say, as a doctor, what caused those wounds? Can you say, for example, that they were caused by white phosphorus bombs?

CANCELLIERI: In the slides, the scars you saw on the neck of one patient and those you saw on the side of another patient's chest were caused by phosphorus bombs. The scars on the patient's arm shown in another slide were caused by an accident following a bombard-

ment, not directly by phosphorus bombs. That information came from the relatives of the injured person. From a medical point of view, it is very difficult to tell whether a scar is caused by phosphorus or by some other agent. However, those scars had not been treated at all, and I think that is the most important point.

LUMMIS: My third question is this: earlier today, we heard testimony that cluster bombs were used in Lebanon and that these weapons produce very unusual symptoms. Two symptoms were described. One was tissue death resulting from the very high velocity of the cluster bomb projectiles, which causes many amputations. The second characteristic was a very small wound on the outside of the body but inside, severe mangling, which again leads to amputation. Did you see any such wounds?

CANCELLIERI: We saw only the outcome of these kinds of wounds. As I mentioned, we didn't see any acute traumas. Just after we left Lebanon, however, one of our soldiers was involved in a blast from a cluster bomb, and a leg had to be amputated. We described in detail the lesions we saw, from a medical point of view. In cases where the lesions were multiple and caused by high-speed projectiles like those of cluster bombs, it was necessary to amputate.

Roman BEDOR: Did you see and treat a lot of children who were victims of bombings while you were in Lebanon?

CANCELLIERI: The majority of patients we treated were children. I didn't choose the slides I showed you just because the victims were children. Sixty percent of the injured patients we saw were children.

BEDOR: Did they receive adequate medical help from your team or from other teams or missions?

CANCELLIERI: We got help from Gaza Hospital. Gaza Hospital performed the laboratory examinations for our patients, and this arrangement worked out very well. Then many patients were referred to us by a clinic in Shatila camp where an Austrian doctor and, I think, a Scottish nurse worked. We were also assisted by the staff of Akka Hospital. The six resident doctors there helped us during operations and, above all, in running the clinic.

NOTE

The following newspaper articles were submitted to the secretariat and translated from the Italian by Franco Cancellieri.

Il Corriere della Sera, November 28, 1982 "Italian drugs seized by Lebanese soldiers in Shatila"

Beirut—Thousands of boxes of drugs given to the population of Beirut by the Italian forces were taken away yesterday morning by the Lebanese Army. The soldiers confiscated two

trucks full of drugs and other medical supplies stolen from the store, which serves Akka Hospital, where Italian doctors sent by the Foreign Office are working. When the Italians protested, the Lebanese military authorities answered that the matter would be looked into.

At 9:30 yesterday morning, according to witnesses, about 30 Lebanese soldiers commanded by a captain broke into a store in the Shatila camp where part of the drugs were kept. The Palestinian employees were sent away by the soldiers who began to steal drugs and medical equipment, enough to fill two trucks.

"We shall be back for another load," the captain said before going away. French paratroopers who protect the Shatila sector did not intervene.

La Republica, November 30, 1982 "Unjustified Lebanese Checkpoint—Gunfire near the Italian Military Hospital"

Beirut, Nov. 29th—This morning Lebanese soldiers opened fire near the Italian Military Hospital in Beirut to stop a car carrying a sick person. Early this morning, Lebanese soldiers set up a checkpoint in front of the entrance of the Italian Military Hospital aiding the civilian people who were trying to enter. At 8:30 A.M., witnesses say, a car carrying a sick person to the first aid post failed to stop at the checkpoint. When the Lebanese soldiers opened fire, Italian officers demanded explanations, and the checkpoint was removed.

Italian nurses and doctors sent by the Foreign Office are in trouble, too. After four weeks' work, the Akka Hospital operating theater, which had been bombed by the Israelis, is working again, and this morning, the first orthopedic operations were performed. But most medical supplies and drugs are no longer available because they were seized by the Lebanese army on Saturday and Sunday.

The Palestine Research Center

Asad 'Abd al-Rahman
Palestinian Scholar

I will raise three points relevant to these proceedings: the destruction of the Palestine Research Center (PRC), in itself an atrocity; the significance of the Israeli invasion and its effect on the Israeli people; and Palestinian efforts to achieve a just peace in the Middle East.

The Palestine Liberation Organization was established in 1964. In late 1965 and early 1966, the late Dr. Fayiz Sayigh, a well-known Palestinian intellectual who had worked for many years at the United Nations and also taught many years in American universities, suggested the creation of a research center. While at the American University of Beirut, he proposed that the PLO establish this center and make it wholly independent of the PLO structure. The center's autonomous character was to guarantee scientific objectivity and keep politicization to a minimum in order to avoid compromising the quality of its scientific work. Based on this principle, the PRC was established in 1966.

Dr. Sayigh was ousted from the American University of Beirut and left Lebanon under American pressure. His brother, Anis Sayigh, then took over and spent the next 11 to 12 years building up the center. Since 1978, the director of the PRC has been Sabri Jiryis, a well-known figure to people in the Occupied Territories.

The PRC managed over the years to publish many books—in all some 900-odd books, pamphlets, and documents as of last year. The center's publications were of two types. The first category included studies dealing with Palestine's past and present. This involved rewriting certain aspects of Palestinian history and writing for the first time those parts of Palestinian history previously ignored. This was important, because from 1948 until the PLO was formed in 1964, we did not have a national entity. This type of research, then, concentrated on studying the Palestinian condition, past and present.

The second category was concerned mainly with studies relating to Israel and the Zionist movement. This research helped Palestinians acquire an objective, scientific understanding of Israel, which was and is still considered their main enemy. The objective quality of the PRC's work provoked a very strong reaction from the Israeli government.

My knowledge of the center derives from several sources. The first is my direct experience at the research center, the second is my long-standing association with its various activities. In 1966, at the time of its founding, I was fortunate to be asked by Dr. Sayigh to join the PRC as its first employee. I worked there until the outbreak of the 1967 war. My real scholarly training came more from my activities at the center than from the American University of Beirut, where I received an M.A. in political science. I therefore had firsthand knowledge of the origins and workings of the PRC. After taking a Ph.D. from a Canadian university, I rejoined the center and worked there as a counselor from 1973 to 1974. I maintained my relationship with the PRC over a period of many years.

My third source of information about the PRC is a recent interview with Mr. Jiryis, the current director of the center, held while we were both in Algeria to attend the meeting of the Palestine National Council (PNC) a few weeks ago. I asked him about the callous treatment the center received at the hands of the Israelis and collected a great deal of circumstantial evidence concerning its destruction. The last source of information is the international mass media. The destruction of the PRC was widely covered by well-known Western news agencies, papers, and magazines.

The events leading up to the destruction of the PRC tell a sad story, that of the long-term effort by the Israeli authorities and Israeli intelligence to eliminate the center. The relationship between Israel and the PRC may be divided into four chapters. The first coincided with the period that I spent in an Israeli prison, the year between late 1967 and late 1968, before I was deported. (By the way, I would like to take this opportunity to thank Felicia Langer, who is present with us. She was one of the lawyers who volunteered to defend me and many other Palestinians as well. I would also like to thank the Rakah, the Israeli Communist Party, which also took up my case and those of my comrades.)

While in prison, I was subjected to all kinds of interrogation. During one of these sessions, Brig. Gen. Sloma Gazed, then chief of Israeli military intelligence and military governor of the Central Area

of the Occupied Territories, confronted me. By then I had written three or four books—the fourth appeared while I was in prison and was translated into Arabic by the PRC. Gazed focused part of the interrogation on my books, particularly on those published by the research center.

I will never forget his words to me. "You at the research center do nothing but spread more and more hatred against the Jewish people," he said. I replied that no one could accuse us of spreading hatred against our cousins, the Jewish people, but that we would definitely continue to reveal the atrocities committed against our people by the Israeli authorities and Israeli [military] governors. This conversation gave me a deep insight into the attitude of top Israeli officers concerning the PRC, an attitude not widely known at the time. That was in early 1968, and the center had been in operation since early 1966. I was astonished, flabbergasted, to hear such a remark from Brig. Gen. Gazed. The Israelis had already taken our lands from us; now they were even trying to deny us the right to study our own people and acquire objective, scientific knowledge about Israel.

A second stage in Israeli thinking about the PRC was entered in early 1972 when an assassination attempt was carried out against Dr. Anis Sayigh, who was then its director. A letter bomb was sent to him by Israeli intelligence. As a result, he lost part of his vision and three fingers on his right hand and sustained many wounds to the face and chest. The attempt on Dr. Sayigh's life was clear proof that the Israelis were out to destroy the center, whose purpose, as I said earlier, was to study the Palestinian issue, together with Israel and Zionism, in the most objective manner. But because the center's work was objective, it gained credibility, and this credibility posed a threat to the image of Israel. The PRC was considered dangerous not because, as was later claimed, it ran intelligence operations, but because it was providing Western and Arab public opinion with the real facts about Israel and the Palestinian question. Books written by Israeli journalists, writers, and ex-intelligence officers openly admit that the attack on Dr. Sayigh was engineered by Israeli intelligence.

The third stage began just after the famous—infamous, really, at the time—multinational peace-keeping forces withdrew from Beirut [September 10 to 13].They left before the end of their mandate, just 16 days after the departure of the PLO's fedayeen, although they were supposed to stay another month.* This occurred immediately

*See Habib Agreements, pp. 145—160.

before Lebanon's president-elect, Bashir Gemayel, was assassinated on September 14. Waiting for this moment, the Israelis invaded Beirut on the 15th, breaking all the promises the Americans had made to the PLO and Chairman Arafat. The PRC, located in the heart of West Beirut, became one of the main targets of the Israeli invasion and occupation of the western part of the city.

In less than two days, the Israeli military establishment, by dint of continuous, diligent efforts, succeeded in looting all of the books in the PRC's research library. A total of 29,000 books, documents, encyclopedias, and other written materials were carted away. Fortunately, some of the microfilm materials had been removed from the center before the invasion and so were saved. In fact, most of the books had been moved out of the PRC earlier because of the Israeli threat. But when the United States, Italy, and France sent troops and guaranteed that Israel would not enter West Beirut, most of these books, unhappily, were returned to the center, only to be looted by the Israeli army following the assassination of Gemayel.

The Israeli attack on the PRC demonstrates once again the center's importance and the "threat" that the Israelis perceived in its existence. We place a very high value on the PRC's library collection, and in the last round of prisoner-of-war negotiations between the PLO and the Israeli government—held through the good offices of Austrian chancellor Bruno Kreisky—the PLO insisted that one of the conditions for the return of Israeli prisoners was the return of the books. For us, these were just as important as human beings. And I think that the failure of the negotiations so far—they were supposed to have been concluded two weeks ago—is due primarily to our insistance on recovering the PRC collection.

The fourth and final chapter in this story opened on February 5 of this year when the PRC was blown up by two cars filled with TNT explosives. A number of employees at the center and innocent civilians living in the area were wounded or killed in the attack, including Hanna Shahin, the wife of Director Jiryis. Hanna lived in the Occupied Territories from 1948 until the early 1970s and, like her husband, was well known to our comrades and friends there.

We have only heard a few of the facts about the Israeli invasion of Lebanon in this hall. Here, I would like to cite some of the many documents that have already been published on this subject for those who may not be aware of them. I would mention in particular the book by Michael Jansen, *The Battle of Beirut* (Zed Press, London, 1982) and that by the Israeli journalist Jakobo Timerman, *The*

Longest War (Pan Books, London, 1982). I must also recommend the courageous book written by another Israeli journalist, who is also a personal friend, Amnon Kapeliouk. His book, *Sabra et Chatila: Enquête sur un Massacre* (Seuil, Paris, 1982), is now being translated into several languages. As a matter of fact, part of it was used by the Kahan Commission.

Finally, I would like to point to the voluminous studies and reports that have been written by many courageous people in the Israeli press. I don't speak Hebrew, but I have access to whatever is published in Israel through immediate translations. These reports contain a multitude of information.

In passing, let me say that I value greatly the photos, films, and other evidence submitted to this tribunal by previous witnesses. But the mass media, including the American media—I wish to make no distinctions here—also covered the use of phosphorus shells, vacuum bombs, and cluster bombs in detail. The Israeli government has never denied these reports, an important point.

A second basic issue I would like to raise here is that suggested by Tawfiq Zayyad and Amnon Zichroni. This tribunal sits in judgment of the Israeli invasion of Lebanon. But I submit that what the Israeli authorities did in Lebanon last year did not affect only Lebanon. I believe that the Israeli government not only invaded Lebanon; it also attempted to invade the mind of the Jewish people and destroy the conscience of the Israeli citizens.

The ruling coalition, the Likud, has used its power to manipulate the mass media and brainwash the Israeli people during the last seven years of Mr. Begin's reign, to dismal effect. It has managed to exacerbate the split between Sephardic and Ashkenazic Jews in Israeli society in order to secure the support of a majority of Sephardic Jews for Mr. Begin's policies. If my figures are correct, these latter constitute about 60 percent of the Jewish population of Israel. In a way, then, the invasion was used in conjunction with the monopoly exercised by the Likud over the mass media and other government institutions to invade and destroy the Israeli conscience. This is truly sad, and bad, because it means that not only have the Lebanese and Palestinians been victimized by the Israeli government's fascist policies; the Israeli people themselves have been exposed to their destructive effects, whether they realize it or not.

The third and last issue is this: If we analyze scientifically the political positions taken by the Palestinians and other Arabs with respect to the Arab-Israeli conflict and compare them to Israel's own

political stands on the question, the Palestinians and Arabs appear to have exercised a great deal of moderation.

In 1968, for instance, the Palestinians began discussing, officially, the goal of a democratic state for all of Palestine, where Jews, Muslims, and Christians could live together, sharing equal rights and equal obligations. That idea did not appeal to many people at the time, but the wave of moderation within the PLO and among Palestinians and Arabs did not subside in 1968.

In 1974, following the October war, the PNC, Palestine's parliament-in-exile and the PLO's highest political authority and legislative arm, took a political stand offering to consider the establishment of what we called at the time Palestinian "fighting sovereignty" over any part of the Occupied Territories that could be liberated. That was a strategic move toward moderation on the part of the PLO itself.

In 1977, the PNC decided that the PLO would begin official deliberations concerning the establishment of a Palestinian state in some part of Palestine. The PLO is really the sole, legitimate representative of the Palestinian people, regardless of what the Americans or Israelis or even some Arab regimes like to think. It is obvious that the PLO, speaking for all Palestinians, was talking implicitly about de facto recognition of Israel's right to exist. And I wouldn't be giving away any secrets if I said that there now exists a mainstream, or at least a broad segment of opinion inside the PLO, that is willing to openly show even more moderation.

All these *yeses* on the part of the Palestinians and Arabs were met with a chorus of *noes* from the Americans and Israelis. In 1967, the Arabs put forward the well-known three *noes*: no recognition of Israel, no negotiations with Israel, no peace treaty. Since then, however, we've taken a number of major steps toward a more moderate position. But the Israelis and Americans, particularly since 1975 (I am referring to the position taken by Dr. Henry Kissinger, which still holds), have multiplied the *noes*: no to the PLO, no to the Palestinian right of self-determination, no to the return of Palestinian lands, no to a Palestinian state.

Inquiry by the Jury

Douglas LUMMIS: I hope you'll not misunderstand the spirit in which this question is asked. In the last part of your presentation, you spoke of a tendency toward moderation in the PLO, and you also introduced yourself as a Palestinian researcher with access to considerable documentation.

I have here a copy of the report *Israel in Lebanon* (Ithaca Press, London, 1983), by the International Commission that was headed by Sean MacBride to inquire into the invasion of Lebanon. On page 2, it cites a statement made by the Israeli ambassador to the United Nations, Mr. Yehuda Blum, on June 5 last year, the day before "Operation for Peace in Galilee" began. It refers to "150 acts of terrorism instigated by the PLO, originating in Lebanon, against Israelis and Jews in Israel and elsewhere: in Athens, Vienna, Paris and London." I believe this is the essence of and keystone to the Israeli claim that they attacked in self-defense.

Can you give us any information that will help to determine two things about this claim: First, is it true, partly true, or false? Second, is it relevant or irrelevant to this inquiry?

'ABD AL-RAHMAN: I would like to thank you for giving me the chance to erase some of the shadows concerning this particular issue. Remember, it is Mr. Blum who said that, not the PLO. I really can't confirm or deny the number of attacks that Mr. Blum claims were carried out against Israel. But my response is the following.

The pretext for the invasion, as Mr. Zichroni pointed out, was the attempted assassination of Shlomo Argo, the Israeli ambassador to England, on June 3, 1982. Just last week, it was proved conclusively that the group responsible for this act was a small organization, Palestinian or Arab—which is not clear—but an anti-PLO faction in any case. That is the first fact.

Fact number two is that—and I refer you to the Israeli press—the Labor Party, the major opposition party in Israel, and other democratic and progressive forces pointed out that for one year prior to the Israeli invasion, from July 1981, a truce between Israel and the PLO was in effect. During that year, the PLO did not launch a single attack. The fact was used by the Israeli Labor Party and other

Israeli political groups to refute not only Mr. Blum's contention about the 150 attacks, but also the pretext given by the Israeli government to justify the invasion of Lebanon.

Third, Mr. Blum seems to have gone to some trouble to tally up the number of alleged attacks carried out by Palestinians. I would like to draw your attention to the attacks launched by the Israelis during the cease-fire period against Palestinians and Arabs. These included the shelling of Beirut and southern Lebanon in what amounted to a war of attrition lasting one year. This was a silent war, an unknown war. The Israelis bombed Iraq's nuclear reactor during this period, and they bombed the Fakhani area of Beirut as well. And even if we accept Mr. Blum's mathematics, a Palestinian attack might result in one or more casualties, but in any one attack Israeli army killed tens if not hundreds of people indiscriminately.

But these are minor arguments in my response to your question. My dear friend, our homeland is occupied. According to the Geneva Convention, according to all internationally recognized principles, our homeland is an occupied country. As a dispersed people, we have all the rights on earth to resort to every means of resistance, including armed resistance against the occupier. Most of the nations on earth have resorted to armed struggle to defend the legitimate rights of their peoples, including Western Europe and China. I am here to tell you that we will continue our struggle by all means, including military means, as long as the Israeli government continues its present policies. And I might add that the situation has deteriorated since the Likud took power.

Gordon MCINTOSH: I don't consider that question insignificant. The same document (*Israel in Lebanon*) notes that if the Israeli argument is that it is entitled to purify the area of violence and terrorism, its reaction has always been out of proportion to initial wrongs. I submit that the document and its full contents should be given consideration by the jury, and I'll ask that it be part of the documents submitted. I would also like to ask what is the attitude of the PLO to the Reagan proposals for peace in Israel, peace in Palestine.

ʿABD AL-RAHMAN: Thank you for your remark. I forgot to mention that not only did I read the MacBride Commission report, I helped several members of that commission visit Syria and Lebanon. The report provides a fuller answer to the question and supplements what I've already said.

About the Reagan plan, first the positive aspects. Compared with the previous American position, the Reagan plan contains

certain positive elements—not compared with the Palestinian position, the Arab position, or the general human rights position, of course. Between 1977, when Egyptian president Anwar Sadat visited Jerusalem, and September 1982, when the Reagan initiative was launched, the U.S. government did not have an official position on the basic issues. The Reagan plan clarified the American point of view, which has always been kept secret but lies somewhere between the Egyptian and Israeli positions.

As far as the PLO, the Palestinians, and the Arabs are concerned, the Reagan plan says *no* to the PLO, *no* to the right of self-determination of the Palestinian people, *no* to a Palestinian state, and *no* to the right of return and compensation. These four basic *noes* are very clear, but they are the only clear aspects of the plan. The unclear aspects are very dangerous. Mr. Ronald Reagan, working through Secretary of State George P. Schultz, appears to have drafted his initiative with "elastic ink." Although the plan is vivid and explicit in outlining the four fundamental *noes*, the other parts are phrased in a very vague, elastic manner. The Reagan plan says that the return of the Occupied Territories, the Palestinian lands occupied since 1967, is subject to negotiations between the concerned parties. The same goes for the question of Jerusalem. On other issues, such as the relationship, or association, with Jordan, the Reagan plan remains very vague, leaving everything to negotiation with Israel.

Israel is the regional superpower. Thanks to U.S. assistance, the military balance of power is tipped in its favor. This gives Israel the upper hand in any negotiations. If we translate the Reagan proposals in concrete terms, their effect would be to give Israel the edge where the issues are vaguely defined, particularly as the Reagan initiative categorically rejects the four basic points crucial to the Palestinian people.

Finally, the fact that Mr. Begin, even before the PNC could do so, rejected the Reagan plan, saying it was not a sound base for negotiations, is further evidence of the plan's lack of credibility. The PLO did not reject the initiative so bluntly.

Let's turn next to Lebanon. The Americans promised the Palestinians and the Lebanese government that they would guarantee a quick Israeli withdrawal from Lebanon. We're not talking about the West Bank and Gaza, which Mr. Begin loves to call Judea and Samaria and considers a part of what is called Eretz (Biblical) Israel. Until now, the Israelis have stalled, prolonging the negotiations and negating every American promise made to us. The American

readiness to exert pressures on Israel is not credible. That is why I would agree with Mr. Tawfiq Zayyad and Mr. Zichroni that this tribunal should refer to the invasion as the Israeli-American invasion of Lebanon.

R. K. GARG: May I draw your attention to the same MacBride Commission report? It says on page 20 that "the right to revolt in colonial situations . . . is a part of international practice. In no vote at the Security Council or the General Assembly has there been a successful attempt to use guerrilla activity to provide a basis for a valid claim for the exercise of self-defense when retaliatory action has been taken by a colonial power. This "linkage" between guerrilla action and retaliation was the basis of the U. S. veto when South African aggression was denounced at the Security Council in August 1981, and the same state argued that condemnation of Israel over the Lebanese invasion lacked balance because other parties were not criticized. This approach, not supported by other states, owes more to strategic and political considerations than to respect for law." Do you agree?

'ABD AL-RAHMAN: I couldn't agree more.

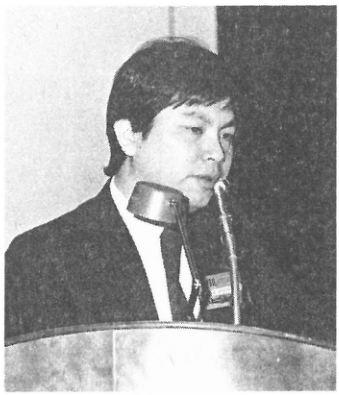
GARG: One thing more. On the next page (p. 22), the report says, "The attempted destruction of the national existence of the Palestinians in Lebanon is . . . a rejection of their right to self-determination." It supports this by continuing, "The rejection of the national and cultural identity of the Palestinians results in a rejection of the Palestinian flag, the non-recognition of their Red Crescent Society, the destruction of their schools, the censorship of their books, the refusal to grant prisoner-of-war status for their combatants, and the outlawing of their songs. Since Palestinians as an organic group cannot be tolerated, any overt sign that they are capable of building a national movement must first be resisted and then destroyed. The reduction of Palestinians to the status of wandering and hapless refugees is consistent with the pattern of warfare adopted in . . . Lebanon; this is the only rational explanation for the way in which the war . . . was conducted." Do you agree?

'ABD AL-RAHMAN: Thank you, sir. I fully concur. Let me make a last remark. As early as 1974, Chairman Arafat went to the United Nations. He ended his speech there saying that the Palestinians carry a gun in one hand and the olive branch in the other. That has been our attitude. We are not warmongers, lovers of war. We took up arms because arms were taken up against us early in this century. We are not shy about it, and we have no apologies to make concerning

our insistence on resisting the Israeli authorities with all the means at our disposal, including military means. This will continue to be our policy so long as Israel refuses to conclude a just, durable, and comprehensive peace.

Testimonies II

Occupied Lebanon and the Question of National Independence



Troy Rusli

Ghassan Safi al-Din

Steinar Berge

Jamal Surani

Weapons That Inflict Maximum Suffering

Troy Rusli
Norwegian Surgeon

During the siege of West Beirut, I worked at Lahout Field Hospital as part of a Norwegian medical team. We worked side by side with medical personnel from all over the world. I also served as a consultant at several temporary convalescent hospitals—the Protestant School, Triumph Hotel, the Armenian School, and Trat Hospital.

An estimated 600,000 civilians lived in West Beirut. The Israeli forces had complete control over the area, and all traffic in and out of this part of the city had to pass through Israeli and Phalangist checkpoints. Israel attempted to frighten civilians into leaving the city by dropping warning leaflets, a violation of Article IV of the Geneva Convention. Only a small number of well-to-do residents who could afford the inflated prices of East Beirut or other parts of Lebanon were able to leave. The others stayed behind, cursing fate and praying that the next bomb would not land on them.

Many people had to remain in the city because they were Palestinian or belonged to the Lebanese liberal movement, or simply because they did not want to leave their beloved homes. With no electricity and a chronic shortage of food and water, subjected to a constant barrage of bombs and shelling, the people of West Beirut demonstrated amazing courage and self-discipline.

I do not claim to be a weapons expert, but today we are witnessing the increasing use of brutal weapons that cause painful and irreparable damage to their victims. To understand the kinds of injuries caused by these modern weapons, we must look at the weapons themselves. The varying severity of wounds depends on several factors: the velocity of the projectile, the behavior of the projectile, and its shape.

Any missile traveling at a speed of more than 2,000 feet per

second can be considered a high-velocity missile. The greater the velocity, the greater the risk of fatal wounds—the destructive energy of a projectile is directly proportional to its effective velocity. When a high-velocity projectile enters the body of a human being, it changes direction and beings to yaw and tumble due to the aerodynamic effect (Figure 1). The sharper and more irregular the shape of the projectile, the more severe the wound it creates.

After penetrating the human body, a high-velocity missile creates a large cavity approximately 30 to 40 times the size of the missile itself. This is known as the "cavitation effect." Impacting projectiles have been known to create pressures of 100 atmospheres. Cavitation is more damaging when the bone is fragmented and bone slivers act as secondary missiles. The high-speed projectile shears and disrupts tissue and ruptures blood vessels and nerves. The wound exit is usually larger than the wound entrance, and high-velocity projectiles create more serious and lethal injuries than those traveling at lower velocities (Figure 2). An example of such a missile is the M-16 bullet.

The weapons used in West Beirut are mostly of the high-velocity variety and can be divided into the following groups: concussion bombs, fragmentation bombs or shells, "anti-shelter" rockets, phosphorus shells, and cluster bombs.

Concussion bombs go off in stages. First they penetrate the top several stories of a building and explode. Then they penetrate another two or three floors, exploding again. After propelling themselves down through three or four more floors, they explode a last time. Each explosion creates a very strong vacuum. In this way, a concussion bomb can penetrate to the basement of a building and cause the entire structure to collapse. It is an extremely precise weapon (Figure 3).

On August 6, we admitted a 42-year-old Lebanese civilian from the Sanaya building, which had been hit by a concussion bomb. The patient had multiple fractures in his right upper arm. He was considered very lucky to have just had his arm broken. Somehow he had been protected by the ruins and managed to get out of the building. When I visited the place the following day, there was nothing left. The building, which housed only Palestinian and Lebanese civilians, was totally flattened, but neighboring structures had not been badly damaged. It is estimated that over 200 people were killed in the explosion, and our patient was probably the only survivor.

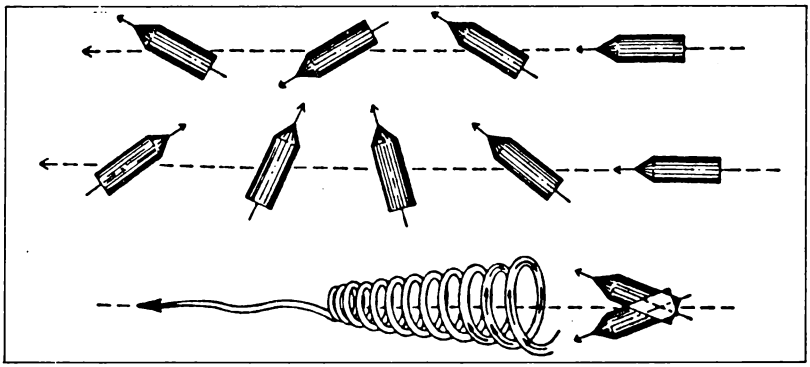


FIGURE 1;
(upper) Yawing is the deviation of a bullet in its longitudinal axis from the straight line of flight;
(middle) tumbling is the action of forward rotation around the center of mass;
(bottom) precession is a circular yawing around the center of mass in a spiral fashion.

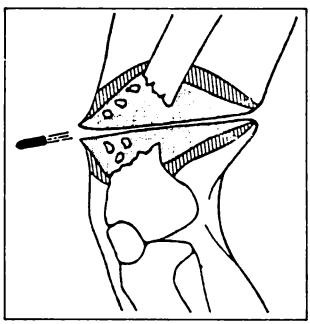


FIGURE 2; Cavitation effect.

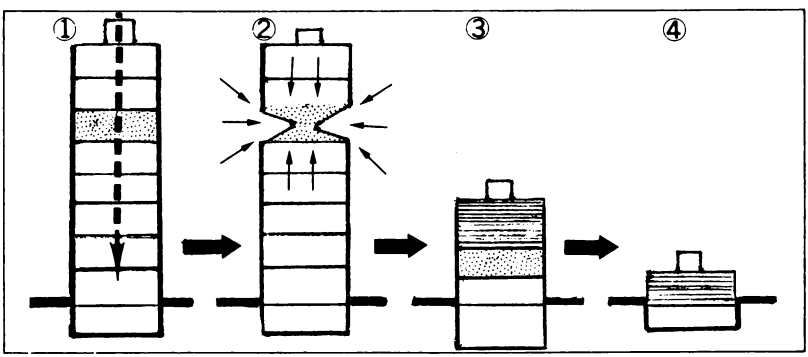


FIGURE 3; Concussion bomb demolishes Sanaya building (August 6, 1982).

Fragmentation bombs are usually wired in such a way that they explode in the air. The resulting fragments can penetrate foxholes, trenches, and, of course, the human body. They may be timed to explode 50 meters above the ground so that their fragments are propelled at high speed over a wide area. On August 1, we admitted a 40-year-old woman with both legs traumatically amputated. Her right elbow had been totally destroyed. She was in shock from possible internal bleeding. We operated on her immediately and found that she was six months pregnant. She had multiple lacerations of the intestine, and her right kidney was ruptured. She died the next day. Her husband had been killed some time before, and her five children were left without a guardian. Fragments from this bomb totally disrupt blood vessels, nerves, and organs, often making amputation the only possible course.

The anti-shelter rocket is a new type of weapon that has never been used previously. The rocket explodes over a shelter in three stages. The first explosion exerts a great pressure on the shelter. The second spreads flames, and the third sprays lethal shrapnel. It was this type of rocket that was used against the shelter in the Arab University's engineering school and against the Harat Hurayk building at Tariq al-Din. On August 12, we admitted 22 patients from Harat Hurayk. Five died. Nearly all had severe burn injuries. Some of them had thermoflash burns caused by exposure to high temperatures. Two of the patients had shrapnel wounds in the head.

A few days later I visited the site and was told that 90 Palestinian civilians had hidden in the shelter for nearly two months. Many of them still lay buried under the rubble. The building is located about two kilometers from an Israeli checkpoint, and the people in the shelter felt safe. They refused to let Palestinian fighters enter, and a white flag was flown from the roof.

Phosphorus shells are used normally only as "markers" to guide artillery: The smoke helps gunners get a bearing on their targets. When these shells explode, the phosphorus ignites with the air, emitting a huge sheet of flame that leaves a victim covered with point-shaped burns. The phosphorus particles penetrate the skin and enter soft tissue, usually causing multiple circular acid burns. When white phosphorus burns, it produces phosphor pentoxide, which can cause severe damage to the respiratory organs if inhaled. The acid burns are particularly difficult to neutralize, and all the burnt tissue must be surgically cut out. I presented a sample of phosphorus shrapnel to the Norwegian State Medical Laboratory, which con-

firmed that the substance contained in the nutshell sample was indeed white phosphorus. A 60-year-old patient was admitted on July 27. The man came from the Raushe area. He was in respiratory distress, and with every painful breath, smoke from the phosphorus burning inside his body came through his lungs and out his nose. Another patient was a 25-year-old man who had multiple round burns with greyish particles at the bottom of each wound. There were no signs of flame burns. The lesions were cold and inactive.

Cluster bombs are basically large canisters filled with submunitions known as BLUs (for Bombs, Live Unit). When the canister opens, the BLU submunition is spewed over a wide area. Each canister can carry approximately 300 BLUs. Very often cluster bomblets are fitted with unreliable delayed-action fuses, making them a lethal, long-term hazard. Many children lost their lives or limbs when they touched these bombs out of curiosity. A 74-year-old woman lost part of one foot and sustained severe damage in the other as a result of this weapon. A U.S. soldier was also killed while trying to clear an area of cluster bombs.

Next, I would like to summarize my experiences at Lahout Field Hospital in Beirut between June 26 and August 23. The activities of the Palestine Red Crescent Society hospitals (Gaza and Akka) were drastically curtailed because of damage from the bombardments, and the establishment of a medical unit—a temporary convalescence center, an emergency unit, and a field hospital—became essential.

Lahout Hospital was set up at the Near East School of Theology, becoming the only "second line," or stand by, PRCS hospital in West Beirut. Lahout could only treat a maximum of 55 patients, but during the disaster, more patients were housed in the gymnasium in the third basement. After July 27, the last phase of heavy bombing, Lahout became invaluable. It was transformed from a standby treatment center into a hospital, receiving a large number of seriously wounded when the five major hospitals of Gaza, Akka, Barbir, Makassed, and Trat were forced to close due to bomb damage. The bombardments continued even when, on August 1, the International Committee of the Red Cross (ICRC) issued an appeal to spare hospitals and protect the wounded in accordance with the Geneva Convention.

We admitted a total of 363 patients, 226 of whom were treated for severe injuries. We saw approximately 150 patients a day, seven days a week, in the out-patient department. Of the 226 severely injured patients, 179 were treated for wounds caused by high-velocity, anti-personnel fragmentation bombs, cluster weapons, and phosphorus shells.

The majority of our patients were young (54 percent) and male. I could not tell how many were civilians and how many fighters. However, before the bombardments, approximately 70 percent of the patients we saw were fighters. After the attacks began (from July 29 to August 12), the ratio was reversed (70 percent civilians, 30 percent fighters). At the American University Hospital, 80 percent of the casualties were civilians. The high rate of civilian casualties is due to the fact that most people did not know how to behave during the bombardment. There were no safe places in which to hide from the sophisticated weaponry. Within eight weeks, total casualties in West Beirut alone reached 29,506, but the real number is not known. The Lebanese police released a much higher figure than the ICRC.

My own data show that 78.5 percent of the patients admitted to Lahout for treatment had injuries directly related to the war. But many of the injured included in the other 21.5 percent sustained wounds or fractures while attempting to escape the bombardment. Osteomyelitis, or bone infection, was very widespread and difficult to treat. Because we lacked adequate equipment, many of these patients died. About 44 percent had either primary or secondary infections. Bacterial samples showed mostly pseudomonas infections, which we treated accordingly. Because of the widespread use of antibiotics in Lebanon, we usually had to resort to expensive broad-spectrum antibiotics, such as Gentamicin and Cephalosporin.

Most operations (67 percent) consisted of debridement and minor surgery to clean wounds and avoid further infection. Multiple injuries were common owing to the use of fragmentation weapons. Burn injuries were very severe, even though none of the patients we admitted had been hit directly. Most had thermoflash burns caused by high explosives such as anti-shelter rockets. Five of these patients died, two of them of secondary acute renal insufficiency, one of myocardial infarction, and the two others of sepsis.

Whereas the amputation rate for all of Beirut during the siege was 6.8 percent and the death rate 12.4 percent, at Lahout, the amputation rate was 20 percent and the death rate 12.5 percent. The high percentage of infections, amputations, and deaths is due to: 1) the use of sophisticated, high-velocity weapons; 2) the bombardment and shelling of areas of high population density; 3) the blockade of vital supplies that cut off food and water and caused chronic shortages of medicine, medical equipment, and qualified medical personnel, especially paramedics; and 4) intensive bombardments lasting up to 14 hours, which made it difficult to transport the wounded during each attack.

Because of the blockade of West Beirut after July 4, all hospitals had difficulty remaining in operation. Many had to shut down altogether. Most of those that continued providing treatment were later hit by Israeli shells and forced to close down. Barbir Hospital, a private, ten-story Lebanese hospital, sustained direct hits on nearly every floor. The generator was also knocked out. A few medical centers, such as the PRCS and American University hospitals, continued to function under very difficult conditions.

We couldn't get enough oxygen, blood, and other necessary supplies. I had to let several patients die in order to save oxygen and blood for medical cases with higher priority. We urgently needed external fixation surgical equipment to treat multiple open fractures. I tried to get it from the ICRC, but without results. Unofficially, the ICRC said that this equipment was very difficult and expensive to procure. They also said they needed it for themselves. But during the bombardment, the ICRC field hospital did not function at all. Topical burn cream such as sulfa couldn't be found once we had exhausted our supply.

The PRCS hospital was the only facility giving free care to people regardless of religion or nationality. The American University Hospital charged US$500 before accepting a patient. The government paid the bill in the case of Lebanese citizens, and the PRCS paid for people who worked for the PLO. Those who fell in neither category had to pay out of their own pockets.

During the blockade, a Red Cross convoy carrying essential food and medical supplies was turned back at the entrance to West Beirut. The bombardment by land, sea, and air together with the almost total blockade of West Beirut created inhuman conditions, especially for women and children. In our hospital, the lack of electricity and water meant that there was a desperate lack of clean linen; patients had to lie on filthy and often bloody sheets. Common high-protein foods were impossible to provide, as were fresh fruits and vegetables containing essential vitamins. Weakened post-operative patients could not regain their strength, retarding and in some cases stopping the healing process. A significant number of patients suffered from anemia.

Clean operating gowns were not always available in the operating room, and often surgeons could only clean their hands with alcohol between operations. Without electricity, it was not possible at times to sterilize dressings or equipment. Hygiene was sometimes impossible to maintain as patients could not wash, and bed pans and

urinal bottles often could not be cleaned adequately. General garbage disposal was inadequate. Without constant and adequate lighting, it became difficult to carry out basic nursing procedures, such as regulating intravenous fluids.

The Hague conventions of 1899 and 1907 forbid the use of all weapons that cause unnecessary suffering in human beings. This provision was originally introduced to put a stop to the use of dumdum bullets by the British colonial army in India.

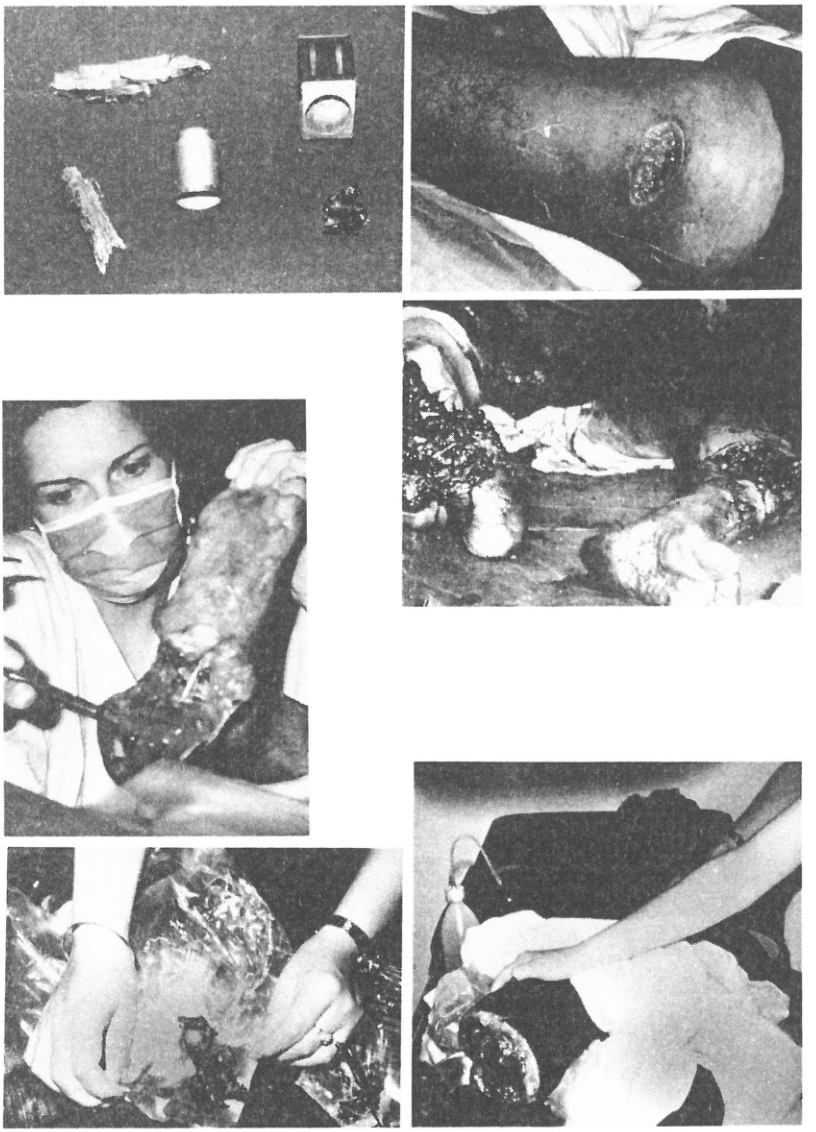
Since then, the world has made great technical and social progress. But it seems to me that the more "advanced" we become, the less ethical is our behavior. Today, modern weapons are capable of inflicting unprecedented suffering on their victims.

The industrial countries owe their high standard of living not only to hard work but also to the third-world countries at whose expense this progress has been achieved. The industrialized world has dominated the third world, either directly, through the colonialism of the past, or, as today, indirectly, through support for certain regimes. To maintain their power, the rich countries have had to develop both their conventional and nuclear arsenals.

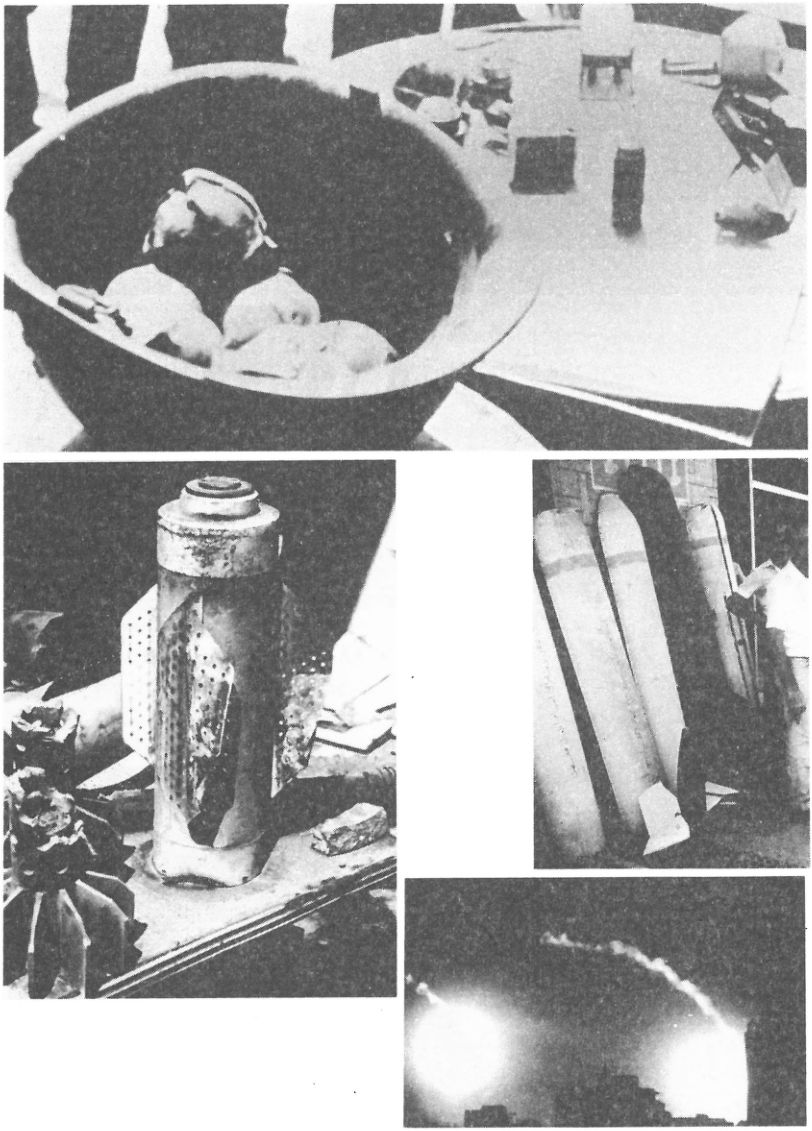
According to the Swedish International Peace Research Institute, the world spent US$10,000 per second—that is $183 million a day—on weapons in 1981. The United States is the largest weapons exporter today, followed by the USSR, France, and Great Britain. The United States shipped $2.5 billion worth of military hardware to Israel just prior to the invasion of Lebanon on condition that the weapons be used for defensive purposes only. But in reality, Israel's precision bombing was aimed primarily not at military targets but at hospitals, churches, schools, and private homes. These weapons killed thousands of innocent Palestinian and Lebanese people. Lebanon was turned into a laboratory where the United States could test its most sophisticated and dreadful weapons.

A Palestinian nurse who worked with me at Lahout Hospital was later savagely raped and killed by the Christian Phalangist militia at Akka Hospital. The massacres at Sabra and Shatila were carried out by Christian Phalangists acting under the direction of the Israeli Defense Forces. But what do you call the killing of thousands of Palestinian and Lebanese civilians during the siege of West Beirut by Israeli forces using American arms?

I came to West Beirut as a medical doctor to help injured people. But what I found was a war of genocide being waged by Mr. Begin's government with the world's most modern weapons. Liberals

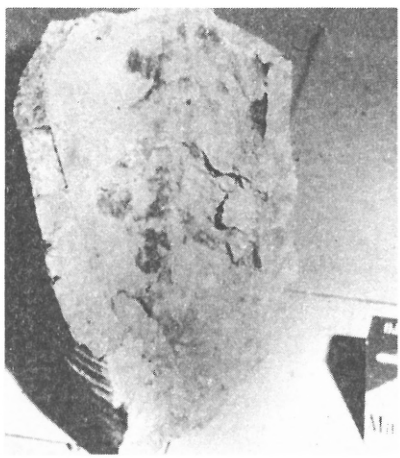


upper left The irregular shape of projectiles. Fragments at upper left and in center are from cluster-bombs.
upper right The wound entrance of a high-velocity missile
middle right A 40-year-old woman with bilateral traumatically amputated lower extremities and internal bleeding
middle left The left foot of a patient after removal of a fragment from a high-velocity bomb
bottom left The fragment (same patient)
bottom right Amputated leg



upper BLU, a cluster-bomb submunition (CBU–58)
middle left Flare bomb
middle right Cluster-bomb canisters. "Made-in-U.S.A." markings were found on the sides.
bottom Flare bombs light up night sky over Beirut.

upper left Anti-shelter rocket entered this building at angle, from top right.
upper right Rocket fragments after explosion.
bottom Basement shelter destroyed by anti-shelter rocket (Tariq al-Din)



upper right The Sanaya building following attack by concussion bomb
upper left A victim of phosphorus burn injuries
bottom left Note the typically round shape of the burns
bottom right Phosphorus shell fragment examined by the Norwegian State Laboratory and shown to contain white phosphorus

upper Makassed Hospital, a private Lebanese hospital, was hit by Israeli shells. One doctor was killed.

middle left West Beirut hospitals were hard-pressed to treat the seriously injured because of the shortage of medical equipment.

middle right Foreign health personnel carrying buckets of water to clean the hospital.

bottom left Foreign women health-workers protest against the inhuman conditions in West Beirut during the siege.

bottom right A hospital for the mentally handicapped was hit by the Israelis. The children had to be evacuated to East Beirut by Mother Teresa.

upper left Because of the cavitation effect, we could not save this child's leg.
upper right An eight-year-old boy with osteomyelitis
middle right A young girl with burn scars
bottom left The lack of crutches prevented patients from leaving the hospital, caused depression and delayed patients' recovery.
bottom right A one-year-old victim of an anti-shelter rocket. The patient died of burn injuries.

and democratic forces must work together, in Israel and throughout the world, to bring an end to the genocidal policies of Mr. Begin. His government must be replaced by one that will truly work for peace in the world and in the Middle East. Israel deserves it, Lebanon deserves it, the Palestinian people deserve it. We need peace in the Middle East.

Inquiry by the Jury

Douglas LUMMIS: Can you describe the mechanics of the blockade? Did the Israeli troops block all shipments, by truck and other means? Did they cut the water lines? Did they cut electrical lines? What specifically did they do, and how complete was the blockade?
RUSLI: First, we know that water was supplied to West Beirut from the eastern part of the city, and we know that the water was cut off from that side, leaving the west completely dry. Second, the bombardments ruptured water mains and pipes, causing leakage. In the area I was in, the entire water supply was cut off. We had to sink a well in front of the hospital to get water. Electricity, too, was totally cut off. We had no (outside) electrical power at all in the hospital and had to use a diesel motor to supply current. But we also had great difficulty getting fuel for the motor, so we could only use it a few hours each day. Usually, we waited until an attack came before turning it on. In our daily work, we had to conserve diesel oil, and sometimes that prevented us from treating patients.

Supplies of equipment, food, and other necessities were totally, and officially, cut off. Several times the ICRC tried to pass through the blockade, but on each occasion, the convoy was stopped at the border between East and West Beirut and turned back. The Norwegian medical team also had difficulty getting through the Israeli checkpoint into West Beirut. We tried to smuggle goods into the western part of the city in our cars. We could get some things unofficially through the black market or by smuggling but never in sufficient quantities. We found it very difficult to get medical equipment in particular. For example, once we had used up all of our sulfa cream for burn wounds, we could get no more. For some injuries, we had to let patients go untreated.
MORIKAWA Kinju: You named several kinds of new weapons used in

Lebanon. I would like to know how you could tell what country they came from. Were they produced in Israel, in Lebanon, or in other countries? Did they have markings on them to indicate where they were made?

RUSLI: We know for sure that some of these weapons were made by the United States because markings in English told clearly what kind of weapon it was and where it had been produced and said "Made in U.S.A." to boot. Some were produced by Israel, and others, I think, were produced by European countries. But the cluster bombs and other advanced weapons were made by the Americans.

Roman BEDOR: You said that leaflets were dropped warning the population about the bombardment. Were these notices also served to the hospitals that were bombed? Were they written in a language that could be understood by the people in those areas?

RUSLI: Leaflets were dropped from planes, and they were written in Arabic. Everybody knew about them, and some may have come into the hospital, but as I told you, there was no way for the civilian population to get out of West Beirut. If you were a Palestinian or a member of the Lebanese liberal movement, trying to leave West Beirut amounted to suicide. Look at what happened to the Palestinians after the Israeli invasion. Massacres occurred at Sabra and Shatila, and the massacres still continue today. It dosen't matter whether you massacre one or two people or hundreds. Massacre is massacre.

The Attack on Southern Lebanon

Steinar Berge
Norwegian Physician

I am a doctor specializing in occupational medicine in the municipality of Oslo, Norway. Last year, I took three months' leave to work in the 'Ain al-Hulwa refugee camp in Sidon in southern Lebanon. I arrived in May and had been there one month when the war started. I worked in both 'Ain al-Hulwa camp and in a kind of buffer camp set up just outside. The latter housed Palestinian and Lebanese refugees from further south—those made homeless a year earlier, before the cease-fire went into effect. I was caring for between 70,000 and 80,000 people. The UN Relief Works Agency puts the camp population at 28,000 people, but that includes only those refugees living there since 1948 under UNRWA's care.

Sanitation in the camps was abominable. The sewers were open, and frequently water pipes ran inside them, so the water was often very infected. Most of the houses consisted only of one floor and were built of corrugated iron. The streets were very narrow; there were only two large roads to accommodate the camp's 70,000 to 80,000 inhabitants.

The Norwegian team ran a clinic where I worked as a general practitioner. I also served as a consultant to a Palestine Red Crescent Society rehabilitation center. This project was started by a Norwegian solidarity organization with support from Norwegian labor unions, private contributors, and the Norwegian government.

The rehabilitation center included a facility set up between August 1981 and May 1982 to care for mentally and physically handicapped children. The project was initiated by a group of child-care specialists in Norway and was staffed mainly by Europeans, but by some Palestinians as well. It was a totally new idea and set a marvelous example for the camp, showing people that mentally handicapped children could be treated. The equipment and wheel-

chairs were donated by Norwegian companies, hospitals, and the Oslo municipal government. Later, after the bombardments, parents came and told us that these wheelchairs had saved their children's lives by making it possible to get them out of the camp. The rehabilitation center also offered physiotherapy for grown-ups, a new kind of service in this region.

On June 4 when the war started, we were in Beirut. We had taken the day off to see some PLO institutions and visit shoe and furniture factories. On June 5, we returned to Sidon and turned the rehabilitation center into an emergency treatment center. At 11 A.M. that day, Israeli aircraft appeared and began to bomb the hills surrounding the camp where the PLO anti-aircraft guns were hidden. We never saw any heavy weapons inside the camp. When the Israelis claimed that they had captured 500 tanks from the Palestinians, I was very surprised; I never saw a tank. Perhaps they could have hidden a small number in the camp, but not 500. I never saw a tank outside the camp, either. Later, Israeli newspapers reported that the Palestinians had in fact had fewer than 80 tanks; many of these were inoperable and all of them were old models. The only heavy weapons were the anti-aircraft guns, but they were very old and inefficient and didn't shoot down a single Israeli airplane.

The Israelis first attacked the anti-aircraft emplacements in the surrounding hills. Then the bombs moved closer. By June 6, almost all of the anti-aircraft artillery had been knocked out, and bombs began to fall inside the camp. After two days of waiting for patients to appear at our rehabilitation center, we decided to leave. We had no protection from the bombing, and the PRCS was managing to get most of the wounded to the hospital in town (Sidon). We moved to another emergency center outside the camp.

The bombardment lasted 11 days, from the 5th to the 15th of June. Almost all of the houses were destroyed. At one point, leaflets were dropped by the Israelis telling people to evacuate the area, but the camp was under attack at the time. These leaflets only increased the panic, and I think their real purpose was to help Israeli embassies abroad present the invasion in a good light.

Our rehabilitation center was totally demolished. After the attacks had gone on for a week, the Israelis began dropping much heavier bombs. These went right through the shelters where many people had taken refuge and which they didn't dare leave, partly because of the bombing itself, but also out of fear of the Israeli soldiers and the Phalangists. Many of the people hiding in the shelters

were old. They had been criticized by their children for leaving their homes in Palestine in 1948; they said they would not leave a second time. Many people were trapped in the shelters when the houses around them collapsed. It was at this point that Israel began dropping heavy bombs that went right into these shelters.

We will never know how many of the 70,000 to 80,000 refugees housed in the camps were killed. The Israelis say the number was not great, but they didn't allow anyone to go in and count the dead until three or four weeks after the war, and by that time the camps had been bulldozed over. In the meantime, Israeli soldiers kept strict watch over the entrances.

I volunteered to work in a Lebanese government hospital just outside 'Ain al-Hulwa camp. Thinking that this would be a safe place because the Lebanese government was running it, many thousands of people took refuge there. The hospital held between 200 and 300 severely wounded patients. All the Lebanese staff had left, and the Palestinians were in charge. The director had given the Palestinians the key to the pharmacy before leaving. I arrived on June 9 and worked there until June 10. The hospital had already been bombed many times. On the night of June 9, I was sure I would be killed because we were shelled from the sea almost continually. People in the hospital were sometimes wounded when shell fragments came through the windows.

In between attacks, I ran around attempting to treat the injured. I had to use the same syringe for 20 people. There was no water, so we drank intravenous fluids. In the early morning of the 10th, the first floor of the hospital was hit directly, killing between 40 and 50 people. The patients began coming up to us on the third floor—we were three doctors and five or six nurses—but the shelling was still going on, and we had no choice but to conduct operations on the floor. We did amputations and tried to stop the worst bleeding.

After two hours (it was still early morning), a nurse arrived from Sidon to tell us we were to be bombed again in half an hour. We could only scream out to the wounded that we could not do any more. We grabbed white flags and ran to the Israeli lines where we spent the entire day trying to convince them not to bomb the hospital. Many patients were still lying inside with bad wounds. We begged the Israelis not to bomb the hospital, and in fact, they didn't. But we were not allowed to remove the patients for the next 20 hours. By then, of course, many had died. We were subsequently allowed to begin working at the PRCS hospital in Sidon, which had been evacuated earlier in the war.

The PRCS hospital had no water. We tried to sweep out glass and debris. It looked terrible after the bombardments. After tidying up, we began working. I often went into the street to beg water from Lebanese or Israeli water-tank cars and usually got some, but it was never sufficient. We also lacked blankets.

On June 11, after only one day, the Israelis began arresting medical personnel at the hospital. By the second day, June 12, 90 percent of the staff had been detained. It is strange that at first they let us work and then arrested us. I think what happened is this. When we first came to the Israeli lines, we met professional soldiers. They felt that since the fighting was over, doctors should be allowed to help the civilians. But the next day, the Israeli civil administration moved in. They didn't want a Palestinian hospital in operation. They didn't want to leave any part of the Palestinian infrastructure intact.

The Europeans were not arrested at first. On Saturday, June 12, I was asked to go before a group of hooded men whose job was to denounce anyone with ties to the PLO. I passed through and a stamp was placed in my passport and medical identity card, permitting me to move about freely, together with other Europeans. We tried to get the other non-Western doctors and anesthetists released as we needed them very badly for the operations but without success. The next day, June 13, I and some of my European colleagues followed our last surgeon, Canadian Chris Giannou, past the hooded men again, certain that we would not be arrested and hoping to see our colleague safely through—if he were held, we would have to shut down the hospital. To our surprise, we were all arrested and taken to a nearby school.

At the school, we were forced to sit down. Our hands were tied behind our backs. We heard shots and screams coming from another larger schoolyard nearby. We were afraid that the Israelis were shooting people, but it turned out that they were only shooting over people's heads in order to frighten them. We were led into another smaller schoolyard and made to sit down. Some of us were interrogated immediately. I was taken to interrogation after sitting on the hot asphalt for 36 hours. It was, I assure you, very, very hot. We were surrounded by seven armored personnel carriers, each with two machine guns pointing at us. There were between 400 and 500 of us sitting there on the ground. About 40 or 50 Israeli soldiers were in the yard. The majority of them were running around beating the prisoners. I was surprised. The war had ended for most of these people—all of them civilians—a few days earlier. They were there simply because they had been singled out by hooded denunciators.

On my first day in the schoolyard, I was taken to verify the death of a man. I told the guards that he was dead and must be carried away. Without performing an autopsy, it was difficult to say whether he had died from the beating, lack of water, or the heat. In one instance, I actually saw a 60-year-old man killed. Made desperate by thirst, he tried to kick a soldier, screamed, and began to run around. Five soldiers jumped on him and beat him until he lay quite still. Later, he was seen by my Norwegian friend, child-care worker Øyvind Møller, on a pile of corpses.

After 36 hours, I was taken to interrogation. During the questioning, I was led into the schoolyard to examine a dead body; they wanted to make certain I really was a doctor, I suppose. Sometimes, it is difficult to tell if a person is dead, so, of course, I was terribly frightened. In fact, the man was dead. In an ambulance just two meters away from me, five or six other bodies were stacked up. Lying nearby was another man who, from his quick, shallow pulse and rapid breathing, I diagnosed as being in shock. We placed him in the shade; perhaps he had heat stroke, I don't know.

Several Lebanese and Palestinian health personnel working at a private Lebanese hospital in Sidon were arrested just before us. Most of them were from the PRCS, which sent its members to work in hospitals throughout the area during the war. We were arrested when we were most needed, before international medical and relief personnel could get into the area. In our hospital we had 70 patients, most of them needing surgery. But the day after we arrived, the Israelis arrested our anesthetist, making it very difficult to do operations. By the third day, all of the doctors except one general practitioner had been arrested. It took another four or five days to get all of the patients transferred to other hospitals. Some of them died as a result; most of the others became worse because of complications.

During my detention, I personally was treated fairly well all the time. Of course it was very hot, and I was very thirsty and hungry, but compared to what the other prisoners had to suffer, it was nothing. The soldiers used all kinds of things to beat the prisoners: big sticks; ropes with metal pieces on the ends, which they went around swinging, striking the prisoners with; plastic hoses; their boots, of course; and rifle butts. The Lebanese and Palestinians were given less water than the Europeans. The treatment was racist. The Israeli soldiers always gave water to the "blonds," the Europeans, first. We were an interesting case for them, and some told us that if we were not PLO, we would be freed soon. They tried to treat us well.

After being transported (with other prisoners) from Sidon to Israel, I was taken to the Megiddo prison, tied, blindfolded, and made to lie on the ground for 48 hours awaiting interrogation. It was the Israelis' way of treating all the prisoners. It is done to make you afraid and soften you up for interrogation. My legs were not bound, but my hands were tied behind my back. Even there, however, the Europeans got better treatment: I was given a mattress to lie on. They never accused me of anything; they just wanted to know who I was, what I was doing in Lebanon, why I didn't work in Africa for Africans instead of for the "Palestinian terrorists." But in the end, I was released unconditionally to the Norwegian Embassy in Tel Aviv.

Last summer, while I was in the United States, the Israeli Embassy accused our team of having links to European terrorist organizations. Such charges were made twice. Finally, the Canadian and Norwegian governments became angry and cabled the Israeli Foreign Ministry in Tel Aviv demanding an explanation. The Foreign Ministry replied that its embassy in the United States was misinformed and that such accusations were groundless.

Inquiry by the Jury

Douglas LUMMIS: You said that it was impossible to know for certain how many people were killed and wounded in the refugee camps as a result of the bombardment. Could you try to make a minimum estimate?

BERGE: I wouldn't dare. I know that Norwegian nurses entered the camp a few days after the bombing. They were brave women; they didn't have permission, but they went in anyway. They said the stench was terrible; there were dead bodies all over. They couldn't hold anything in their stomaches. A Palestinian girl told us that two days prior to that, all the roads had been filled with dead people. By the time the nurses got into the camp, the corpses had been removed, but the smell of bodies still buried under the rubble was terrible. I can't give you an estimate. One doctor counted about 450 dead by himself, but that was in a very small area.

LUMMIS: You said that ordinary Israeli soldiers had no intention of closing down the hospital once the fighting had stopped but that the civil administration, by which I take it you mean the Israeli

government, ordered it closed once they arrived on the scene. Do you have any evidence to substantiate that, or is it speculation based on the fact that the hospital was shut down a day later, when the civil administration arrived?

BERGE: I don't have any direct evidence, but we could feel the attitude of the Israeli authorities change. The civil administration was headed by Col. Arnon Mozer. I read later that he was noted for his firmness in dealing with the local population, that he was very racist and anti-Arab in his attitudes. This man said the Israelis didn't need Palestinian doctors; he said they didn't want that kind of infrastructure. Perhaps the Israeli soldiers simply waited before arresting us, but my impression is that the arrests followed the arrival of Col. Mozer. I met him when I was made to pass before the hooded men the first time and pleaded with him to release our anesthetists as they were needed urgently. He replied, "We are coming with peace," and just left.

LUMMIS: Can you give us the date on which the hospital was closed down, the day that the arrests began?

BERGE: The arrests began on June 11. Most of the personnel were taken on that day, then a few more on June 12, and finally, the Europeans, on June 13. Left in the hospital was one general practitioner, a male who had been arrested for six hours. But he knew the Red Cross representatives, so perhaps that's why he was released. A few European nurses and other female workers also stayed behind. Of course, they couldn't cope with the situation, with the seriously wounded patients. We still didn't have enough water. A team of Israeli medical doctors arrived the first day and said they would help us get going again, find equipment, fix our generator, which had been destroyed by shrapnel. But they never came back. We were short of clean blankets, everything.

LUMMIS: After your arrest, as you were watching prisoners being tortured and terrorized, did you see any indication of reluctance, resistance, or unhappiness on the part of any of the ordinary soldiers?

BERGE: Some soldiers came over to us, discretely, and said they disliked what was going on. They were passive. One didn't get the impression they had all been ordered to beat the prisoners, but most of them joined in nonetheless. A colleague mentioned that he had seen soldiers discussing the maltreatment of prisoners, but I didn't see this kind of debate. Rather, I noticed that some soldiers refrained from hitting the detainees, whereas others delivered very severe beatings. The military governor, Arnon Mozer, came into the

schoolyard and stood there just a few feet away from us. So he saw us sitting there, and he saw how the prisoners were being treated. Officers were present all the time.

OIKAWA Kazuo: Did Israeli soldiers kill any of the prisoners who resisted or tried to escape?

BERGE: There is no way of escaping when you are surrounded by seven armored personnel carriers with guns trained on you, your hands are tied behind your back, you're sitting on the ground, and you're tired. The people arrested on June 11 did not get any water for two days. As for resistance, there is just the example of the old man who became desperate and was then beaten to death. Sometimes, soldiers would hold out a cup of water, and as the prisoner struggled to rise to his feet, begging for it, the soldier would raise it higher and higher and then suddenly throw it in the prisoner's face. Then other soldiers would shoot above his head and beat him with sticks until he couldn't move. You got beaten just for moving a little to the left or right. When a new column of prisoners entered the camp, they were lined up and kicked in the groin. When they fell to the ground, they were kicked and beaten some more and heaped one on top of the other.

A Palestinian colleague, Dr. Nabil, who worked at the PRCS clinic, was spotted by several European health workers. When I saw him, his jaw had been broken, and he was being dragged around the Sidon schoolyard with a rope tied to his neck, like a dog. He was stripped to the waist and soldiers were beating him hard. His crime, I was told later, was that, fearing for the lives of the prisoners, he had said to the Israeli soldiers, "Why are you doing this? You mustn't kill these people." Other [non-Western] doctors were badly mistreated as well.

R. K. GARG: What kind of questions were put to you during interrogation, during this period of torture and beatings? Did interrogators seem to have precise information about the prisoners, or did they attempt to get information from them through torture?

BERGE: All of the tortures I saw inflicted in the schoolyard were intended, I think, to terrorize people, to make them afraid and soften them up before interrogation. But many prisoners were not interrogated for one or two weeks. While I was in Megiddo prison in Israel awaiting release, I met some Egyptians—so-called friends of Israel—in a cell. They had been beaten a lot before being transferred to a better prison, and they had not been interrogated for 14 days. I imagine they were asked if they belonged to any political organiza-

tion associated with PLO, or if they knew anyone who was. Some of the medical personnel in Sidon were asked if they knew anything about an aircraft that had been shot down in Tyre. I myself was asked only who I was and what I was doing there.

My interrogators were surprised when I told them that I had once been a medical delegate to a NATO meeting where the standardization of medical treatment was being discussed—that was two years before I did my military service. I had therefore been vetted for security purposes. That might have given my story more credibility, but they still kept me in prison for at least a week after my interrogation. We asked the guards why they couldn't let us doctors work in the hospital. We had nothing to do, nowhere to go, and there were many patients in need of our help. But they refused.

MORIKAWA Kinju: International law strictly forbids hostile actions against medical installations in time of war. You indicated in your testimony that hospitals and clinics were bombed on purpose. How would you, a European, qualify such actions? How do you explain them?

BERGE: I can only speak as a health worker who was there at the time. I don't know why they bombed the hospitals, perhaps to terrorize the people, to make them afraid. Or perhaps they wanted to scare all the Palestinians out of Lebanon and into Syria. It was impossible not to recognize the Lebanese government hospital where I worked. It was very large and situated at the foot of a hill. It could be seen from anywhere in the city of Sidon.

The day before going to this hospital, I had been working at another hospital. Leaflets were dropped from the air telling the people they would all be killed if they didn't flee the area. The 500 people in the hospital shelter panicked; they didn't know what to do. So when there was a break in the bombing, two other doctors and myself drove over to the Israeli lines. We didn't see any Palestinian soldiers. We ran into an Israeli tank column and pleaded with the leader of the unit to spare our hospital because the people were afraid to leave and because there were no Palestinian fighters there. Like the patients, we also thought it was safe: only civilians and medical personnel were present.

But when I tried to pinpoint the hospital's location on his map, I found it wasn't indicated. I don't know if it was because he didn't want to show me his military map or because that was the best one available to the Israelis. No hospitals were shown on the map. At first I was shocked. Later, I decided he must have had another map that he didn't want to show me. I hope for his sake that he did.

MUTO Ichiyo: Do you know what happened to the hospital staff and patients after you were arrested? What reasons were given for your arrest? Why do you think you were arrested—was it part of massive arrests, or were hospital personnel targeted specifically?

BERGE: The women left behind in the hospital tried to keep things going. At first they were promised that an international medical team would arrive to take over. But after the first day, it became clear that the hospital was to be closed, that there would be no doctors. So the personnel began trying to evacuate the patients to other hospitals. At first, the Lebanese hospitals refused to accept them, but then, with the help of the Israelis, we began to move them very slowly. Different solutions had to be found. Many were taken home by their families, and no doubt a good number died there from infection.

The last patient was evacuated five days after my arrest. The hospital staff told me that she had a gangrenous arm that needed to be amputated. When she left the hospital, the arm was full of maggots. It had been dead for a long time and smelled terribly; her foot, too. Many other patients developed serious complications, but surprisingly, this woman survived.

Why were we arrested? I don't think it was just to find out who we were. I told the Israelis to cable their embassy in Norway and confirm my identity for themselves. I live only 200 meters from the embassy. Or they could have asked the Norwegian government who I was. But I don't think that was what they were after. Their real aim was to destroy all Palestinian institutions. This became clear to us when they arrested the Palestinian and Asian health workers on June 11. The Europeans saw this and continued working. The Israelis had to arrest us in order to shut down the hospital.

David DELLINGER: I would like to know if either during or after the incidents you describe, the International Committee of the Red Cross lodged any kind of formal protest?

BERGE: We met the ICRC representative before we were arrested. He was present in the office of the military governor, Col. Mozer, when [on June 12] we went to complain about the arrest of medical personnel from our hospital. We tried to persuade the Red Cross man to take action, but he seemed to be more worried about working with the Israelis to get things running and did not have time for us. This was especially true after we were arrested.

I have heard that the International Red Cross in Sidon was very passive. Its personnel did not protest very much compared to Red Cross representatives in Tyre, who had a permanent headquarters

where they were allowed to remain. In Tyre, they were much more active and successful in preventing the arrest of medical personnel. The ICRC was asked by the PRCS to intervene, but it did not comply actively or satisfactorily.

Upon returning home, we made two formal protests to the Norwegian government, which issued a report and lodged a protest with the Israeli Embassy in Oslo and with the Israeli Foreign Ministry concerning the treatment received by our team and other medical personnel.

DELLINGER: Are you saying this was done via private channels rather than publicly, through public criticism and denunciation?

BERGE: I remember that the government delivered a letter to the Israeli Embassy, and it was published. The government also went on radio about ten times the day we were attacked personally by Israel as liers. The government said publicly that it believed every word we had said. Incidentally, the Norwegian government is headed by a conservative regime that is not normally sympathetic to the Palestinian cause.

DELLINGER: Has the Red Cross done anything, publicly or privately, since that time? Have any of the medical personnel directly involved testified before the ICRC?

BERGE: No, we have not testified before the Red Cross, or any other body that I know of. The Red Cross was also allowed into al-Ansar prison camp. I think that the role of the ICRC is difficult and ambivalent: Its representatives are allowed to enter the al-Ansar camp and see to it that certain improvements are made, but the fact that the Red Cross has been there and not made any formal complaint is used by the Israeli government to show that things inside the prison are not that bad.

But the Red Cross never makes formal complaints; that is part of the tradition. The ICRC has never publicly admitted that prisoners are tortured in Israeli prisons, or in any other prisons for that matter. Were it to do so, its officials would never see the inside of a prison again. The prisoners, of course, are very tired of this. They complain to the Red Cross that they have been tortured, but nothing is ever said about it, nor does the torturing stop.

DELLINGER: Has the Red Cross ever contacted you, formally or informally?

BERGE: No, not as such. However, on the night of my release to our embassy in Israel, the head of the Norwegian Red Cross was present. Together with the Norwegian ambassador, he was the first to hear

what we had gone through in prison. But what the Red Cross does with the information, I don't know. I have become more skeptical about its role because it is so misused. I can sympathize with its problems, but it is really misused.

GARG: Is there an international medical association that could examine and pronounce on the peculiarly inhumane character of the wounds caused by the special weapons you and other witnesses have mentioned?

BERGE: When I was in Sidon in the early stages of the war, I didn't think much about what kinds of weapons caused the wounds I was treating. But since then, from slides and photographs, I have recognized the round wounds produced by phosphorus bombs because I remember an old woman who had many such wounds on her body, and she died. But I don't know what organizations could verify the nature of these wounds. In Norway, the Norwegian Physicians Union has agreed to look at the arrest of medical personnel, but not at the kinds of wounds inflicted by modern weapons.

The Question of Self-Determination

Jamal Surani
PLO Executive Committee

After listening to testimony from Italian and Norwegian doctors, a number of questions occur to me: Are we trying to find out who is the offender, the criminal, and is knowing the answer sufficient? Is this an ordinary case? Where will it end? In 1948, the American representative to the United Nations said that the partition of Palestine into two states, one Jewish and one Arab, would end all dangers and turbulence in the Middle East. Did the turbulence stop? No! Will the invasion of Lebanon end all invasions? I tell you also, no! What kind of crime are we confronting here? Even the Israelis themselves are victims, not just the Arabs. The Jews, too, are victims.

The notion of a Jewish state in Palestine appears for the first time in recent history with Napoleon. While he was preparing for an empire in the East, Napoleon got the wealthy Jews in Europe to finance his invasion of Egypt. He told them that in return for their aid he would create a Jewish state and gather all the Jews there. This idea took root in the minds of the imperialists, not in the minds of Jews, in the mind of Christian Europe, not in the mind of European Jewry.

In 1896, Theodore Herzl, the prophet of Zionism, wrote his pamphlet, *The Jewish State*. What does he say in this pamphlet? Bring the Jews to Palestine and send the Palestinians away! How very easy to replace a people with peoples coming from different parts of the world! For your information, the Jews in Palestine come from 102 countries, represent 102 different peoples and cultures, and speak 102 languages. These are the "one people" destined to replace the Palestinians.

The next step was the Balfour Declaration of 1917, which guaranteed a national home for the "Jewish people" on condition that it did not affect the interests of other "communities." At that

time, the Palestinian people constituted 92 percent of the population. We, the Palestinians, were the "communities," and the different Jewish communities were the "people." The mandate was clear. In 1947, Palestine was partitioned in the absence of the Palestinian people. UN Security Council Resolution 242 (22 November 1967)* was passed in the absence of the Palestinian people. The Camp David accords were sealed in the absence of the Palestinian people. The so-called Reagan proposal was put in motion in the absence of the Palestinian people. But what about "self-determination," the first of President Wilson's Fourteen Points? It was recognized by the League of Nations and the Charter of the United Nations. Does it apply to all the people of the world, even to a minority of a few thousand? People of British descent in the Malvinas Islands (Argentina) have the right to self-determination. Why not the Palestinians? Are they not a people? Are they not human beings?

The Palestinians were erased from history as a people as early as the first Zionist Congress, which took place in 1897 in Basel, Switzerland. The notion that the Palestinians are not a people was repeated and reinforced by the Balfour Declaration, the partition, Security Council Resolution 242, Camp David, and the Reagan plan. There must be no Palestinian people because the Jews are to replace them. If the existence of the Palestinian people is recognized, then their country, too, should be recognized. But their country is not for them, it is for others, and so we continue in a vicious circle.

Zionism has exploited the Jewish religion, transforming it into a political ideology based on the idea that Jews are one people. This is like saying that Christians are one people. In fact, Christians never say that they are one people. Americans are Americans, Greeks are Greeks, Iranians are Iranians, Indonesians are Indonesians. But Zionism created the ideology that Jews are one people. Because this "people" has no land, it must find a land with no people. Where is this land without people? It is Palestine. But there are people in Palestine, so the people in Palestine must be eliminated, either through emigration or death.

That is why Israeli Zionists are pursuing the Palestinians who fled from Palestine to Lebanon, and that is why there are massacres—there must be no Palestinians. As long as there are Palestinians, the Zionists will never be at ease. They will never be at ease because "their" land is really ours, and it is our right to

*See Legal Reference B (1), pp. 296—297.

repatriate, it is our right to have self-determination, it is our right to live in peace, it is our right to be defended by the Charter of the United Nations, and it is our right to stop forever the policy of armed force imposed on our land by the United States and its puppet, Israel.

Zionism can be summed up by one word: immigration. Without immigration, Zionism ceases to be practical to the Israeli state. Bring in more Jews because they are needed. But the land is Palestinian, so it must be confiscated. To confiscate the land means creating new refugees. To create new refugees means more wars, and so on. There is no end to it.

Mr. Begin was once asked, "Who is the man who influenced you most?" Everybody knew how much Mr. Begin admired his mentor, Vladimir Jabotinsky, leader of the Zionist-Revisionist movement. But the answer was unexpected. Mr. Begin named Giuseppe Garibaldi. When asked why Garibaldi and not Jabotinsky, he replied, "Because Garibaldi's philosophy was that wherever there were Italians, there was Italian land, and wherever there had been Italians there, too, was Italian land." This is the logic of Jewish settlement in all Arab countries. It means that Arab countries are all potentially Jewish land. The Zionists will finish with Lebanon and they will go on to Syria, Jordan, Saudi Arabia, and Iraq.

Is there really a "Jewish problem"? I wonder. But there has to be a Jewish problem. Zionism cannot exist without one. Anti-Semitism is the other face of Zionism: There has to be a Jewish problem or Jews will not immigrate to Palestine. If there is no problem, there is no state of Israel. Zionism is responsible for uprooting the Jews from the countries in which they lived for hundreds of years. That is why I said at the beginning that Zionism is not just the enemy of the Arabs, it is the enemy of the Jews. What percentage of the world's Jews have come to Palestine in the past 101 years? The first Jewish colony in Palestine dates from 1882, and today it is 1983. In that period, one-fifth of the world's Jews immigrated to Palestine. Two-thirds of them are Arab Jews from Iraq, Syria, Lebanon, Morocco, Tunisia, Algeria, Libya, Egypt, and Yemen. But white Jews dominate Israel, where there are three classes of people: white Jews, Arab Jews, and Arabs.

But the question needs further clarification. Could Zionism and the Israelis have accomplished what they have already without the support of a giant power? Could Israel continue to exist without a major power to protect, finance, aid, and defend it? No! Israel needs a super power. The first power was the great British Empire. When

Englishmen first came to Palestine, there were only 50,000 Jews. In 1947, their number was 650,000; it had grown 13 times. At the beginning of the British mandate in 1921, Jews owned 2.5 percent of all private property, but by 1947, they owned 36.5 percent. That means we Arabs still owned 63.5 percent of Palestine. If we could take what that land produces annually, we wouldn't need UN aid today; we could live from the fruits of the soil. But the Israelis refuse to give us either our land or its fruits.

Next it was America's turn. Inheriting world imperialism and world colonialism, the United States began giving Israel whatever it wanted. And until now America has given Israel everything it has asked for. The United States denies us the right of self-determination. Through an act, a policy, of force, they deny us our human rights. Why?

A week ago, Reagan spoke about the human rights of Jews in the Soviet Union. But he never mentioned the 4 million Palestinians who have been without rights since 1948. When he aided Britain against Argentina last year, it was in the name of self-determination. But the Palestinians have no right of self-determination. That is why atrocities will be repeated in our land—not because we want them to continue, but because that is the nature of Zionism. Zionism is the embryo of imperialism. Without imperialism, there could be no Zionism, and without Zionism, there could be no Israel. Our real enemy is imperialism, defended and aided by the United States of America.

What is going on in Palestine is even more humiliating than what has been going on in South Africa. In South Africa there is apartheid, but South Africans are still living in South Africa. The white man is superior, but the slaves still continue to live in South Africa. Palestinian slaves, however, are not allowed to live in Palestine. We matter even less than the people of South Africa.

The white man's message was first heard in Rome. If you look at history, you will find that what has been done to Palestine was done to Carthage after its defeat by Rome. Colonial settlements were created and the indigenous people removed. First, Roman military settlements were set up, then they became civilian settlements. The same thing is happening in Palestine. All the settlements in Palestine are military settlements, and now those in the West Bank are being settled first by the Israeli military and then by Jewish civilians.

Terror is practiced daily against our villages, against our cities in the West Bank and Gaza, not only by the Israeli forces but by the

Jewish settlers themselves. This is Israel, and this is Israel's democracy, the democracy of Begin. By the way, Mr. Begin is the hero of Deir Yasin, a Palestinian village where more than 250 inhabitants, old people, children, men and woman, were all massacred by Begin in 1948. Ariel Sharon was permitted in 1950 to form an organization called Unit 101 to massacre Palestinians, which he did at Nahhalin, Ajjul, Kuntilla, Gaza, Khan Yunis, and other places. Sabra and Shatila also occurred under Sharon, a man with a long experience of massacres. Yitzhak Shamir, Begin's foreign minister, the last of the three, shot Count Folke Bernadotte, the UN mediator, on a street in Jerusalem in 1948. These are the kind of people who are governing Israel. I am sorry to say it, but they are criminals, and what they have done in Palestine until now is criminal. Do they really serve the interests of the Jewish people?

But after 35 years of Jewish colonization, the Palestinian people are still in Palestine, and they are more determined than ever to return to their land. We will not continue without an identity and without a motherland. Israel invaded Lebanon under the code name Peace for Galilee. The Palestine Liberation Organization has left Lebanon, but the Israelis are still there. Why? Because now they want everything in Lebanon, they want a new Camp David agreement with Lebanon like the one they signed with Egypt. Israel is not in Lebanon because of the Palestinians, but because of Israeli policy. What is this policy? In two words, it is to create a superstate in the Middle East and reduce all other Arab nations to the status of vassal states. Here is your "Palestinian problem." It is not just our problem, it is a world problem.

If the United States succeeded in bringing the Arab world under its umbrella, it would have two-thirds of the Mediterranean under its control, including Gibraltar, the Suez Canal, and the southern entrance to the Red Sea. The world's oil reserves would come under American influence. The root of world trade would come under American influence. I repeat: The danger is not a regional one, it is not a Palestinian or Arab danger, but a world danger that stems from a strategic alliance between Israel and the United States, an alliance stretching from Pakistan to Africa.

Inquiry by the Jury

R.K. GARG: Do you agree that this would give tremendous leverage to U.S. monopolies in their bid to eliminate their European and Japanese competitors in this time of world economic crisis?
SURANI: I intended to speak about the influence of America on the Mediterranean, oil reserves, and the world economy. The United States does not even want Europe and Japan to be its partners. It wants them to be its satellites, and this affects their economy and their interests in the Arab East and the world as a whole.
Douglas LUMMIS: You mentioned that the Jewish people are the victims of Zionism, by which I take it that you mean the Jewish people and Zionists are not the same. Do you find anywhere, among the Jewish peace movements or opposition movements within the state of Israel, people with whom you believe that the Palestinians can join in a dialogue to find a solution to the problem that you have been talking about?
SURANI: I think we should make a distinction between Judaism and Zionism. The Jewish people are not all Zionists; Zionists are those who believe in Zionism and who are part and parcel of world imperialism. We have a real dialogue with Jews in Palestine and outside Palestine. We share common views and agree, maybe not 100 percent on all the issues, but on some points 80 or 90 percent. And we believe that this is a sign of health. During the last invasion, there were new indications of change in Israel. For the first time, the Israeli army found that its soldiers refused to serve in Lebanon. For the first time, there was no unanimity of views in Israel concerning the need to invade Lebanon. For the first time, demonstrations occurred during a war, and some, but not all, demonstrators opposed the invasion. For the first time, voices were raised, saying "Give the Palestinians their rights. Create a Palestinian state."

I think that time is on our side, but the process is long. We should not think that a solution will emerge in one, two, or even five years. Nonetheless, we should all work together, whatever our positions, wherever we are, to exert continuous pressure on the United States to solve this problem. If this problem is solved, believe me, there will be no problem on earth that cannot be solved. This is the Father of all problems. Because of its sensitive nature, the whole world should take responsibility for this problem. When two foreign ministers meet, the Palestinian question should be a part of any

declaration they make, because, as I said before, this issue affects the interests of all the countries of the world, no matter how far removed they are from Palestine geographically.

David DELLINGER: I found much of your testimony helpful, but I was troubled by some of its implications, which I think you could clarify for us. When you spoke of the importance of anti-Semitism to Zionism, surely, you did not mean to imply that there is not a long history of anti-Semitic persecution in most of the 102 countries from which Jews have immigrated to Israel. Second, based on my experience in the United States but also on contacts in Israel and elsewhere, I find that some people oppose Israeli war crimes, the expansion of Jewish settlements, and the occupation of the West Bank and Gaza, and affirm the right of the Palestinians to self-determination, in fact affirm their right of coexistence, and yet call themselves Zionists. I think that this may be a difference between the historic thrust of Zionism in certain quarters and the feelings of many progressive Jews today that they are still Zionists and would like to see this work out in terms of coexistence with the Palestinians. Believing as strongly as you do, and as I do, in the right of Palestinian self-determination, I am wondering what you think about the right of both peoples to coexist and share a secure homeland.

SURANI: These are very important questions. First, concerning anti-Semitism and Zionism, when I said Jews came to Palestine from 102 countries, I did not mean countries like India, where there is a small Jewish minority. I am speaking about countries where there are big Jewish communities. For example, Iraq had the oldest Jewish community in the world, second only to that of Babylonia, but now there no longer is a Jewish community in Iraq. In Europe, in Russia, there were pogroms in which the Jews were treated badly, but in Europe of the late 20th century, including the socialist countries, I think that the Jews have had full rights as citizens.

Hitler, the pioneer of racism, rose to power after the Zionist movement, but the Zionist movement has outlived him. Why? Since Hitler, there has been no real discrimination. Why should a Jew leave France to come to Gaza, to a very small, poor country? Why should citizens leave beautiful France, or Germany, or the United States, or the Soviet Union, or Bulgaria, or Italy to come to a small, poor country like Palestine? I am a Palestinian, and I know my country well. We have no resources to speak of. We have traditionally made our living from pilgrimages, Jewish and Muslim. Our farming depends on rain. If it rains we eat, and if it doesn't, there is a shortage

of food. Why should a Jew leave his country? Because he wants something. Could Israel survive without aid from outside? Three billion U.S. dollars annually are given to Israel. Every Jew receives $1,000 from the U.S. budget each year, more than the average American citizen. So, Zionism cannot flourish without "discrimination" against Jews. If Jews are discriminated against, they will find themselves forced to leave their motherland for other places.

There is a lot of talk about Russian Jews, but what has really been going on? Eighty percent of the Jews who leave Russia stay months and months in Europe in order to find their way to any country except Israel, although our Russian friends give them visas only for Israel. At least 80 percent succeed in emigrating to the United States or Canada, or stay in Europe. So there is no real discrimination there.

To answer your second question, I am from the PLO and represent the Palestinian people. I declare that we are ready to live together in peace with the Jews. *With the Jews !* These words should be clear: with the Jews and Palestinians in one Palestine on an equal basis, but not with Zionism. This is coexistence. Coexistence is not one-sided. Coexistence means that two parties coexist equally. Mr. Begin has stolen my house, yet I am ready to share my house with him. He chooses first which rooms to live in and then gives me a small room he doesn't need for the moment—a small room in my own house, which he has stolen. That is how we look at coexistence. We have been coexisting for the last 35 years—with aggression, with expansionism, with racism, with imperialism. What we are looking for is peaceful coexistence, and I am sure that with your assistance, we will reach this goal. We will reach it with world assistance and not by our own efforts alone.

The Occupation of Lebanon

Ghassan Safi al-Din
Lebanese Sociologist

I would like to discuss two subjects: West Beirut during the siege and the current situation in the Lebanese territories now under Israeli occupation.

For more than three months, the capital city of an independent, sovereign country and member of the United Nations was subjected to random bombardments with every variety of weapon and war machine made by the United States of America. Beirut is an overpopulated city where between 1 and 1.5 million people live, or nearly half of Lebanon's total population. From the start, Israel had two aims. First, it wanted to destroy the physical and material existence of the Palestine Liberation Organization in Beirut and Lebanon. But this was not its only objective. It also hoped to destroy the state of Lebanon itself. For that reason, Israel bombed not only military targets but the entire city of West Beirut, no part of which was spared. The city was bombarded by artillery from the southern suburbs of Khalde and from the mountains to the southwest. It was also bombarded by Israeli ships off the western coast of Beirut and, from the air, by Israeli jets. At the height of the siege, in one day alone, Israeli war planes carried out 250 sorties against the city.

The bombardment provided the Israelis with a laboratory for testing the effectiveness of U.S.-manufactured arms on the Palestinian and Lebanese civilian populace. Among these weapons were fragmentation and vacuum bombs—Israel dropped one of these latter on an eight-story apartment complex in the Sanaya area, killing 80 civilians. But Israel also conducted a kind of medieval siege against Beirut. Lasting day and night without letup, the attack was designed to harass the inhabitants, giving them no rest. It was part of a strategy of psychological warfare intended to bring the urban population to its knees.

The Israelis cut off water, electricity, and food. At the checkpoints set up at the entrance to the city, Israeli troops even emptied the water from the bottles that women were carrying to their children in West Beirut. Beirut was not built to withstand such a war. There were not enough air-raid shelters in which to seek refuge from Israeli artillery and air strikes. People took shelter in the ground stories of buildings, in schools, mosques, and churches. When these sites were bombed by Israeli ships, aircraft, and tanks, the victims were overwhelmingly women, children, and old men. The minimum daily toll exacted by the Israeli bombardment was between 100 and 150 killed and wounded.

Because of the blockade, which cut off electricity and fuel, the hospitals were unable to continue functioning. Flour mills shut down, and bakeries stopped making bread. The population could no longer get water, even from artesian wells. It then became common to see men, women, and children carrying containers of various sizes and descriptions lined up in front of broken pipes ruptured by the bombings, waiting to draw a little water to drink and wash themselves with. Food disappeared almost completely from the city, and we were forced to live for three months on the few canned goods that remained in the stores. These conditions raised the death toll among the civilian population.

We were always amazed to hear over the Israeli radio that the Israeli Defense Forces were bombing terrorist positions, while in fact we could see with our own eyes that civilians were being attacked. Israel also attempted to destroy Lebanon's social and economic institutions. Israeli aircraft completely razed several tourist centers; as you know, Lebanon is a country that depends heavily on tourism. The Israeli army also laid siege to the science faculty at Lebanese University and looted everything in its laboratories. The Israelis destroyed the country's largest food-processing factory at Grandour. They blew up a tobacco factory as well. According to UNICEF statistics, between June 4, when the invasion began, and August 15, the population of Beirut sustained 29,506 casualities, 11,840 of whom were children.

But even after the PLO pulled out of the city, Israel insisted on entering West Beirut. That is why I say Israel's intention was not solely to eliminate the PLO but to get its hands on all of Lebanon and usurp its sovereignty. In spite of the guarantees given by the U.S. government through its envoy Philip Habib,* Israel went into West

*See Habib Agreement (J) on p.154.

Beirut following the evacuation of PLO troops and on the way destroyed everything in its path. The IDF bombed purely residential areas, commercial districts, and streets having no connection with anything military. Then, after entering the city, they bombarded Barbir and Makassed hospitals. They destroyed a hospital for the mentally handicapped. We know that the massacres of Sabra and Shatila occurred in the presence of the Israeli army, which was in control of that region at the time. I and many others lived through these attacks. Words are powerless to describe the day-to-day barbarism of the Israeli siege or the massacres of Sabra and Shatila.

Now, six months after the evacuation of the PLO from Beirut, the situation there and in Lebanon is more complex than ever. The excuse given by Israel to justify the invasion no longer exists. But the Israeli occupation continues, aimed now at destroying the basis of central authority, the Lebanese government itself. In the south, the Lebanese people live under Israeli occupation. Israel has begun to create and train a national guard there. It has also started to set up village committees, which it finances by forcing villagers to pay dues. In the meantime, Sa'd Haddad is attempting to expand his power in this area. The Israeli occupation authorities have also distributed questionnaires to village mayors in order to collect information about the number of inhabitants in each village, the occupation of each villager, political tendencies, and religious affiliation. This policy is very similar to that enforced in the West Bank and Gaza by the Israeli occupation forces.

Israel has also embarked on a project to divert the waters of the Hasbani and Litani rivers in southern Lebanon. Israel has coveted these rivers for a long time because it lacks adequate water resources itself. On the other hand, agricultural production in southern Lebanon has been disrupted this year because Israel has placed a ban on the export of farm produce and is forcing the people there to buy Israeli farm goods.

Israel is a state without constitutional boundaries. That is, Israeli law does not specifiy the limits of Israeli territory. Today these boundaries may lie in southern Lebanon, tomorrow they may extend all the way to Iraq. Israel is seeking through these acts to impose on Lebanon a treaty of surrender that will transform the country into an Israeli colony. An accord like the Camp David agreements is out of the question in Lebanon. Unlike Egypt, Lebanon is a small, weak nation. It can only exist as an independent, sovereign state or as a country under Israeli control.

In closing, I would like to mention briefly the al-Ansar concentration camp in southern Lebanon. Between 6,000 and 9,000 Palestinian and Lebanese prisoners are kept in this camp where they have been held since the beginning of the Israeli invasion. These prisoners have been tortured. They do not have the right to defend themselves against specific charges. The Israelis have not even declared them prisoners. They are neither prisoners of war nor prisoners under civil or criminal law; they simply have no status. We are not told what crimes they have committed. We cannot visit them. They are deprived of all rights.

Inquiry by the Jury

Douglas LUMMIS: You mentioned an Israeli project to divert water supplies from southern Lebanon to Israel, to divert Lebanese rivers in order to gain control of their water. Could you give us more details about the nature of that plan and tell us on what evidence your testimony is based?

SAFI AL-DIN: The Israelis controlled the pumps that supplied West Beirut with water. They stopped the pumps at the source. A few pipes coming from another part of the city, however, had been ruptured by the Israeli bombardment, and we were able to get water from there and from some artesian wells.

Louis MARTON (Advisor)**:** That is not the question asked. What details do you know about the plan to divert water from the Hasbani and Litani rivers to Israel? Do you have any evidence to prove the existence of this plan?

SAFI AL-DIN: The Israelis have been after the water of the Hasbani river for a long time. They have complained in the past that all the water simply flows into the sea, saying they needed it. Recently, Lebanese citizens coming from the south have told us that the Israelis are preparing to divert water from that river to Israel.

LUMMIS: You said that some people saw the project. Can you tell us what they saw? What is the nature of this project? Have canals been dug or pipes laid to carry water out of the rivers? Where has the water been taken? Can you give us any concrete details about the project?

SAFI AL-DIN: I don't know if you are familiar with the geography of Lebanon, but the Hasbani river is right next to the Israeli frontier.

On the Israeli side, there is not enough water for irrigation. Israel wants to take water from this river in order to irrigate its farms there. Israel has planned to do this for a long time.

Gordon MCINTOSH: This is a very important issue. I understand that in the next decade, Israel will be in serious trouble as far as water is concerned. Therefore, you have implied, part of the solution to their problem will be the retention of the land that they have captured in Lebanon. Do you have any documentary evidence available to you that you could give to the jury to substantiate your claims?

SAFI AL-DIN: I don't have these documents with me now. But it is no secret. Israel has not concealed its intentions: It has talked about this idea for 20 years. Israel says, "This water empties into the sea. I need it. I'm going to take it, either through negotiation or by force." Now Israel controls the situation inside of Lebanon. What is to keep it from doing as it likes?

MORIKAWA Kinju: In previous testimony, we heard that the Lebanese government and army, the Phalangists, saw the Palestinians as enemies. I'm not sure I understood that point correctly. In your testimony, you made it clear that Israel is trying to take over Lebanon, but what is the position of the Lebanese government, army, and people with respect to the Israeli occupation?

SAFI AL-DIN: Other political tendencies exist in Lebanon besides the Phalangists. The Phalangists have always sought foreign assistance, from the period of French colonization until now. Most recently, they have allied themselves with Israel. But there are other Lebanese compatriots, other militants and democrats of every tendency, who oppose the Israeli occupation, who oppose the hostile actions taken by the Phalangists and Israelis against the civilian population of West Beirut. Palestinian and progressive Lebanese forces, that is, the PLO and the Lebanese National Movement, defended Beirut together against Israeli and Phalangist aggression.

OKAMOTO Yoshihiko: I would like to clarify two points I may have missed during your presentation. First, could you tell us your profession? Second, in what part of Beirut were you during the invasion? Where did you witness most of the events you described?

SAFI AL-DIN: I am a researcher, a sociologist. I am also a militant of the Lebanese National Movement. During the invasion, I was in Mar Iliyas in the center of West Beirut.

BAE Dong Ho: Where did you obtain the information you have related to us?

SAFI AL-DIN: Everyday, between bombardments, we would go out

and meet each other, especially at night. But even during the bombardments, people went outside to look for water and evacuate the injured. From the first day, the whole city organized itself to withstand the siege. Self-directed organizations sprang up spontaneously, and special committees were also set up to deal with the bombardments; they could contact each other.

R. K. GARG: The Lebanese ambassador to India in a private conversation gave me the impression that his government expects Israeli troops to evacuate Lebanon. But you told us the Israelis are encircling the central goverment. Do you think the government of Lebanon is unaware of Israeli plans to destroy it?

SAFI AL-DIN: From the very first day of negotiations between Israeli, Lebanese, and American officials at Khalde and Nahariya, people like your friend the ambassador thought that Israel would evacuate its forces the next day. As of now, there have been 22 negotiating sessions, and we are still at point zero. Israel does not want to withdraw from Beirut without obtaining a favorable agreement, without imposing its will. That will is, in effect, the destruction or negation of Lebanon as a unified, sovereign, and independent state.

Testimonies III

Sabra and Shatila

Hirokawa Ryuichi

Nagakura Hiromi

Ellen Siegel

The Destruction of Sabra and Shatila

Hirokawa Ryuichi
Japanese Photo-Journalist

The Tall al-Za'tar Children's Home housed orphans whose parents had been killed in the Tall al-Za'tar Palestinian refugee camp on August 12, 1976. [Located close to Shatila in Beirut, the camp was completely destroyed by Christian Maronite forces during the Lebanese civil war after holding out for 52 days.] The first photo shows how the Tall al-Za'tar Children's Home looks today. I took this picture on September 2, 1982. Phosphorus bombs had melted the window panes as if they were candy bars. Weapons prohibited by international law were used by the Israelis against this institution with the full knowledge that it was an orphanage.

Photo No. 2, which I took in 1980, shows the 'Ain al-Hulwa refugee camp in south Lebanon. A view of the same camp, taken from about the same place on September 3, 1982, is shown in Photo No. 3.

The camps in south Lebanon were patrolled by Israeli soldiers. Residents told me that the Israeli army kept constant watch on the camps, sometimes patrolling the area but leaving Haddad's army free to do as it liked inside. They said that Haddad's men had demolished the houses with bulldozers, pillaged the camps, and massacred their inhabitants. The Israelis applied the same methods they perfected in south Lebanon to the Sabra and Shatila camps in Beirut.

Photo No. 4 shows Haddad's men destroying refugee houses with bulldozers. On the morning of the Sabra and Shatila massacres, I saw several dozen bulldozers with the same markings, lined up in a football field outside the camp.

Photo No. 5 shows a dormitory for Palestinian orphans in the village of Suq al-Gharb. It has since been turned into a base for the Phalangist Kata'ib, and part of the building is used as an ammunition dump by Israeli forces.

Photo No. 6 shows a painting exhibit in an art gallery in the Fakhani area where many Palestine Liberation Organization institutions were concentrated. Two art galleries here exhibited numerous works by Palestinian artists. Works by Japanese and famous European and American artists were also included in the collection. This gallery stood opposite the Arab University but was heavily damaged. The building that housed the gallery of the PLO Plastic Arts Department, which also included a large collection of sculpture and painting, was obliterated (Photo No. 7). In the Beirut camps, the SAMED (Production Society of the Sons of Palestinian Martyrs) had established a number of workshops, and these together with mosques, hospitals, primary schools, and other civilian institutions became targets of Israeli bombs.

On September 13, 1982, at about 7:30 A.M., I was at a Palestine Red Crescent hospital in the town of Barr Elyas when the Israelis started to bomb the area. Taalabaya, a village near the hospital, was also attacked. Each bomb left a gaping hole 10 meters in diameter, which immediately flooded with water. In the Biqa' valley, it is impossible to dig air-raid shelters because underground water flows too close to the surface. The inhabitants had no place to hide from aerial bombardments. In Taalabaya, a primary school and drugstore were bombed, and private houses nearby were also damaged. According to the BBC, a total of 40 people were killed that day, most of them civilians. One cluster of dead bodies—people who at the time had been standing together next to the drugstore—had become a massive mound of flesh. The bodies were impossible to identify. There were no freezers at the hospital, and the next day, the lumps of flesh were put into two gasoline drums before they decomposed.

I would like to describe what I saw after September 15. In the early morning of the 15th, the Israeli forces advanced into the area just behind the Arab University in the Fakhani district. Shortly after 8 A.M., the Israeli forces sent out scouts. Many Palestinian and Lebanese still inhabited neighboring buildings. I asked one Israeli scout if he wasn't afraid to come into the midst of all these people. Probably because I asked in Hebrew, he answered me frankly, "You get frightened if you think of the people around you as human beings. If you don't think of them as human beings, you don't get scared." Photo No. 8 shows Israeli soldiers moving in.

Then three Merkava tanks stormed into the middle of what they knew to be a densely populated area of apartment buildings and began firing in the direction of the Arab University, 100 meters away.

Because the barrage came from the center of the crowded area, it was difficult for the leftist forces to counterattack. They were afraid of involving innocent civilians. The Israeli army was using the civilians as hostages. Between 8 A.M. and 9 A.M. on the 15th, the Israeli force seemed to have occupied the area behind the Arab University where I was standing, so I slipped through their lines and got around to the opposite side, where people were putting up resistance. Small groups of Lebanese nationals were trying to stop the advance of the Israeli forces with small arms. Residents were fleeing from the Israelis with all their belongings. An old woman who tried to get back to her house was stopped by a sudden pillar of flames. Sheets of fire shot up with each shell burst, and thousands of pieces of sharp, red-hot shrapnel riddled the area.

The following day, the 16th, I went to the American University Hospital next to the Beirut coast at about 7 A.M. The battle there continued until around 2 P.M., when it was announced that the Israelis had gained control of West Beirut.

On the 17th, I passed through West Beirut, now under Israeli occupation, to get to the Biqa' valley. In the evening, on my way back, I could still see smoke rising from the Sabra and Shatila camps. Radio broadcasters and journalists reported that gunfire could still be heard in the camps. We were to learn later that what they were hearing was in fact the massacres in progress.

At 8 A.M. on the 18th, I left the hotel and tried to enter the Sabra camp from the northeast. Two Israeli tanks stood guard there with their guns pointing at the camp, sealing off the entrance. I think it was now around 8:30 A.M. I told them that I was a Japanese journalist and demanded to be let in, but an Israeli soldier on the tank wielded his gun at me, and I was forced to turn away. From inside the camps, I could hear gunshots and the roar of bulldozers.

I had no choice but to walk south down the main street alongside the camp. The place presented an appalling sight. Fires were smoldering everywhere, and all the trees had been scorched black. I entered the camp once from the southeast entrance but soon turned back since the area looked deserted. Outside, I was approached by a man who said he was Lebanese. He told me that Haddad's militia were massacring Palestinians. I asked him to take me to the place, but he ran away, fearing that he would be killed, too. Just as I tried to enter the camp again, a bomb exploded very close to where I was standing. Taking this as a warning, I gave up and left.

photo 1

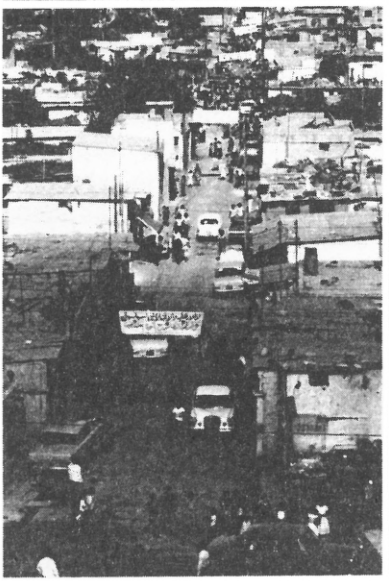


photo 2

photo 3

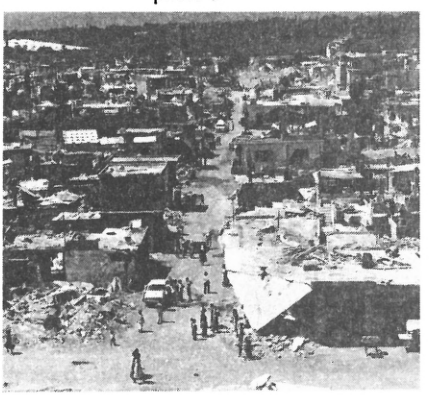


photo 1 The Tall al-Za'tar Children's Home, September 2, 1982
photo 2 The Ain al-Hulwa Refugee Camp, 1980
photo 3 The same camp, September 3, 1982

photo 4

photo 6

photo 7

photo 5

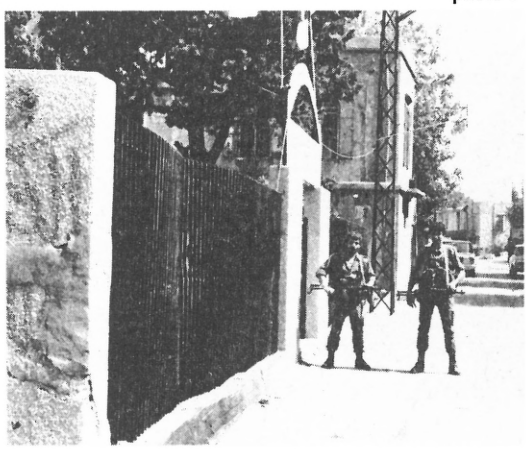


photo 4 Haddad's bulldozers at work
photo 5 Suq al-Gharb orphanage
photo 6 Painting from destroyed Palestinian gallery
photo 7 Destruction of the PLO Plastic Arts Department

photo 8

photo 9

photo 10 | photo 11

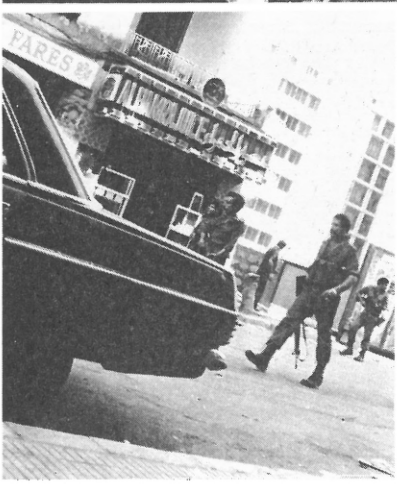
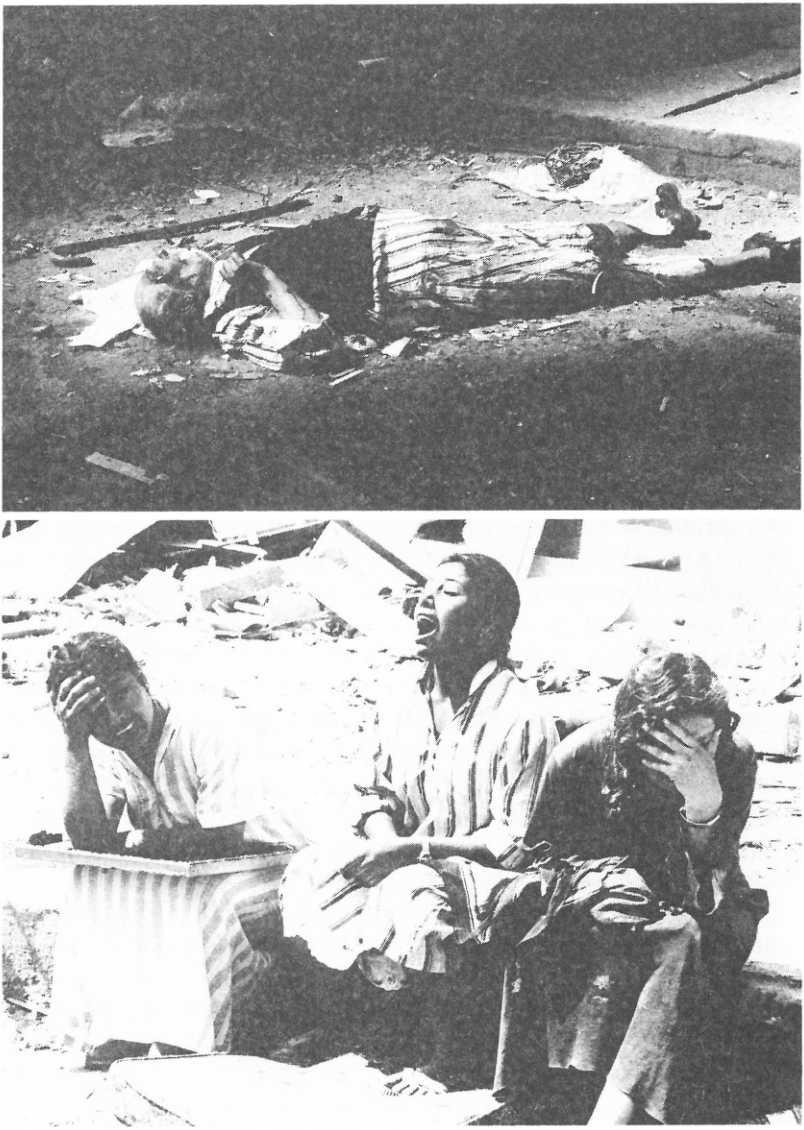


photo 8 Israeli soldiers close in on Fakhani district, West Beirut
photo 9 Booby-trapped body
photo 10 Hamra street, September 20, 1982
photo 11 Israeli troops move in to replace Phalangists after massacre



upper An old man shot in the temple during the massacre at Shatila camp, September 18, 1982.

bottom Survivors returned to the camp, searching for missing family members.

I then went to Akka Hospital, a PRCS hospital on the west side. From the caterpillar tracks made by the tanks you could tell they had left the hospital very recently. Smoke was still rising from the building. Further down from the hospital is a main avenue that connects the Sabra and Shatila camps. It was there that I entered the camp. After walking for a while, I came across a corpse on my left; then 50 meters further down, I found the bodies of several elderly men. One of them had his eye gouged out, and his walking stick had been thrown aside. I later learned that the old man had been killed only about an hour before I entered the camp. Another old man had an unexploded grenade sitting on his lap, as shown in Photo No. 9. It had been planted there to go off as soon as relatives or anyone else tried to move the body. I then went into a small alley. All the bodies there had pieces of clothing covering their heads. The first-aid people who went into the camp the following day told me that their heads had been smashed in. On the left side of the street, corpses were piled one on top of the other. Then around 10:30 A.M., people who until then had been hiding began to emerge. Some journalists and a team of medical personnel also entered the camp. I took Photo No. 10 two days later, on September 20, at Hamra street.

When I went to Hamra street around 1 P.M., I saw soldiers in combat formation marching on the camp from the east. I couldn't identify their uniforms, but people in the street told me that they were Haddad's men. But considering the direction they were coming from, it is also possible that they were Phalangist militia. As soon as people saw the militia, they immediately began to close the shutters of their shops and houses. Those around me said that the soldiers had come to hunt for Palestinians who had fled the camp.

I took Photo No. 11 secretly. After the soldiers left, Israeli jeeps came in, as if to replace the militia. The Israelis laughed as they saw them off. I then headed off in the direction the soldiers had gone but was driven away. I later heard that the Palestinians in the building shown in the picture were all taken away by the militia.

Inquiry by the Jury

LEE Fwe Song: In the film *Beirut 1982*, which you showed us earlier as part of your testimony, I believe it was explained that the Israelis

took retaliatory action because President-Elect Gemayel was assassinated. Who really killed President Gemayel? Could it have been the Israeli army? Second, who is the real perpetrator of the Sabra and Shatila massacres, where 3,000 people were killed in three days? Was it the Phalangists or Israeli forces, or was the assassination a joint action by the two forces?

HIROKAWA: I don't know who killed Bashir Gemayel, but many articles appearing in the Lebanese newspapers two days after the assassination implied that the Israeli forces had done it. Of course, after a few days, such articles stopped appearing. But I think that some doubt still remains in the minds of the local people. Some say that Israel wanted to use the incident as an excuse to colonize Lebanon after the breakdown of talks between Bashir Gemayel and Begin. I asked the Israeli soldiers who came in to scout the area behind the Arab University why they were there. The answer was the same as that generally publicized: After the president-elect was assassinated, they entered West Beirut to prevent a flare up of hostilities between the forces of the Lebanese Right and the Palestinians and Lebanese Left. But they seemed to be uninterested in the question of who was actually responsible for the killing.

Concerning your second question, there is some evidence that the two forces acted jointly. First, the Israelis fired flares over the camps throughout the night to assist the rightist militia inside. Second, there is evidence to suggest that the Israeli Mossad [intelligence] entered the camps to investigate while the massacres were in progress. Furthermore, during the Kahan Commission inquiry in Israel, it was revealed that Israeli soldiers near the camp learned of the massacre while it was going on and that they relayed this news to their superiors. The Israeli press also reported that Ariel Sharon visited Amin Gemayel about the time the Israeli army took control of West Beirut and urged him to avenge the death of his brother Bashir. So I think it goes without saying that there is joint responsibility. A question is commonly asked: "If a viper bites a baby in its crib, who is to blame for the baby's death, the viper or the person who placed the viper there?" This well-known saying sums up the situation.

LEE: In your testimony, you talked about an Israeli soldier who said he was afraid to think of Palestinians as human beings. Can you elaborate on that?

HIROKAWA: I lived in Israel for three years, during which time I had many contacts with Israelis. I still have many Jewish Israeli friends. I

felt that the invasion revealed the real face of the Israeli forces: that of a military occupying power. These soldiers were the same kind of people I had met before in Israel. The words of the soldier confirmed in my mind the true character of the Israeli military. I first asked the question in English, but he wouldn't reply because I was a foreign journalist. When I spoke to him in Hebrew, which must have put him at ease, he answered me. But fighting suddenly flared up and I didn't have time to dwell on the impact of these words. My thoughts flew instead to the unbearable and ceaseless repetition of massacres, air raids, and shelling I had witnessed.

Douglas LUMMIS: In the Kahan report, it is repeated in various contexts that the Israeli military gave orders to the Phalangists to do this or commanded the Phalangists to do that, or ordered them in or out of the camps. This leaves the distinct impression that the Phalangists were under the direct military command of, and obliged to take orders from, the Israeli military. Do you know whether or not that is a true description of the relationship between those two military organizations?

HIROKAWA: To be frank, I don't know. But I don't have much faith in the Kahan Commission report. I can't help thinking that the purpose of the inquiry was to stall for time in order to evade criticism of the incident. When the Kahan Commission was announced, a certain Israeli newspaper quoted the minister of justice as saying that any future article or editorial implying Israeli complicity in the Sabra and Shatila massacres would be regarded as putting outside pressure on the commission. He also said that legal action would be taken against anyone voicing that point of view. When you read such statements, you can't help thinking that the activities of the Kahan investigation were intended to cover up the fact that Israeli units and the Phalangist militia operated as a combined force. The words of the minister of justice may sound reasonable on the surface, but they effectively kept all subsequent newspaper articles from expressing anything but mild suspicion about Israeli-Phalangist complicity. As a result, further investigation seems not to have gone far. The Kahan report itself tacitly implies that the commission was set up in order to disprove direct Israeli responsibility for the massacre. Moreover, it doesn't touch on the invasion of Lebanon as a whole, which precipitated the killings in the first place.

BAE Dong Ho: In the film you presented, you condemn the world for betraying Palestine. I understand the film itself not only as a protest against the invasion of Lebanon but also as a condemnation of all

wars and the warmongers who thrive on them. What can the world do to insure that Palestine is not betrayed again?

HIROKAWA: I think the Palestinians know the answer to that question better than anybody. As long as they are denied a country, as long as the Israeli government does not recognize the political or social existence of the Palestinians either as a people or as individual human beings, Palestine will remain a problem, and the massacres will continue. Massacres are not limited to this incident. There were massacres in 1948 and even before, and they continue to this day. These facts have never come out in the open only because journalists were not there to witness them.

The root of the problem lies in the West's imposition of a colonial policy on Palestine, in the use of Palestine to solve the West's own internal problems, i.e., the Jewish problem, in the Zionist establishment of an exclusively Jewish state by expelling the Palestinians from Palestine. There is a slogan in Israel, "Judeaize Galilee." It goes with the policy of promoting Jewish settlements in northern Galilee, where there is a relatively large Arab population, of expelling the Arabs and replacing them with Jews from Russia or elsewhere in the world. This kind of policy is not exercised in the Galilee region alone. Israel could not sustain itself economically were it not for the funds that flow into the country from Zionist sympathizers throughout the world. This money constitutes the core of Israeli wealth. But because most of the funding for housing and education comes from Jews, it is used only for Jews. Israel is being built for the Jews alone. Discrimination against Palestinians is woven into the financial, social, political fabric of the Israeli state itself.

The Israeli government manipulates newspapers and public opinion and spreads propaganda against the Palestinians, labelling them as terrorists. And this is generally believed. In 1968, when Israeli forces attacked the Karame Palestinian camp in Jordan, they were forced back by local resistance. The Israeli army claimed that it had attacked a terrorist base, not a refugee camp, and most people believed the story. This time, even press comments critical of the Sabra and Shatila massacres assumed that the PLO is a terrorist organization and that Palestinians are terrorists. Journalists and political scientists, such as Uri Avnery, have warned the world that it was this kind of thinking that provoked the massacre. The most dangerous attitude, Avnery points out, is that which condones the bombing of Palestinian camps because the people who live there are said to be terrorists. It is imperative that Israeli attitudes be changed.

It can be said that the world, including the Arab countries, did nothing to save the Palestinians, even when they were being killed before our very eyes. The United States, France, and Italy made arbitrary promises, thinking that once the PLO withdrew from Beirut, everything would be all right. So the PLO was forced to withdraw. Everyone could foresee the tragedy that would ensue if the PLO left, but given the tremendous pressure, it had no choice. The people in the camps were cheated and betrayed. All those who failed to take concrete action at the time, including myself, share some responsibility for the Sabra-Shatila atrocity. All I can do now is to repeat again and again my account of the massacre, as I witnessed it, so that the world will at least be fully informed.

LUMMIS: My last question may have been misunderstood, so I will repeat it. Aside from your evaluation of the Kahan report, it can be inferred from what is written there that the Phalangists were integrated into the command structure of the Israeli forces. In other words, it can be said that the Phalangists were not a separate army but functioned as part of the same military force. What is your opinion?

HIROKAWA: I have no irrefutable evidence to prove that contention. But anyone who was in Lebanon would have noticed that most of the checkpoints, such as those on Damascus road, were controlled jointly by Israeli forces and Phalangist militia. When I was being examined at one checkpoint, I saw that Israeli forces were able to give orders to the Phalangist militia concerning their moves in the area.

Gordon MCINTOSH: As co-chairperson of the jury for this session, I want to point out the following for the sake of the record. I believe that you did an injustice to the information contained in the Kahan report. It has become very clear that its terms of reference were rather narrow; therefore, the recommendations were narrow. But the information contained in the commission's report makes it clear, for example, that the Mossad had informed Israeli officials of the consequences should the Phalangists enter the refugee camps in Beirut. This is most significant. I make this comment so that the jury will be able to assess the Kahan report irrespective of the narrowness of its judgment.

HIROKAWA: Most of the Kahan findings may be correct, but the commission's premises are biased. In the report, the PLO is consistently referred to as "terrorists." This makes the report very slanted from the start. But I agree that other evidence presented by the commission is useful.

Roman BEDOR: You have provided us with some very valuable information. I am wondering if you have shared this information with the Japanese government. Other witnesses to the massacres have approached and testified before their governments. If you have already done so, what was the reaction of your government?
HIROKAWA: I have not yet presented my information to the Japanese government. I shall try to do so.

The Legal Responsibility for Sabra and Shatila

Franklin Lamb
U.S. Legal Specialist

A document has come to light recently concerning the Phalangist-Israeli link. It indicates that, according to the U.S. Central Intelligence Agency, since 1975, the Israeli government has given the Phalangist Party and the Phalangist movement a total of US$300 million. Begin himself has admitted funding them $100 million, but the full figure is $300 million.

Eyewitness accounts make it apparent that the massacres of Sabra and Shatila were carried out with complete Israeli logistical and material support. This support went to Phalangist units, particularly the Tiger unit and the Guardian of the Cedars unit. I think we now know a great deal about the events at Sabra and Shatila. I have submitted to the jury a document that studies the international legal responsibility for the massacres. It contains perhaps the most detailed record of exactly what went on during those 40 hours of massacre.

I would like to clarify here certain information about the Kahan Commission in light of Mr. McIntosh's comment. This is important, I think, for the members of the public, students, observers, and others who may not have access to the report. First, on page 54 of the Kahan report, the Israeli Commission of Inquiry states that, from a legal perspective, West Beirut was *not* a territory occupied by Israel at the time of the events.[1] Now this statement is entirely contrary to the whole body of international law pertaining to belligerent occupation, which is based on international customary law but specifically on the Hague regulations of 1907, the Geneva Convention, and the Protocol.

I would like to point out to the jury that between the evening of September 14 and September 15, Defense Minister Ariel Sharon and Prime Minister Menachem Begin made the decision to enter West Beirut. On Wednesday, September 15, the Israeli army entered West

Beirut and, in the course of that incursion, surrounded the camps of Sabra and Shatila. Under international law, from that moment on they became the belligerent occupiers of West Beirut and of the Sabra-Shatila area. With that status, under international law, they had very specific duties, including that of protecting all of the civilians in that area. The conclusion of the Kahan Commission that Israel did not have the legal status of an occupying power is surprising.

Furthermore, on page 56 of the report and elsewhere, the Kahan Commission speaks of the Palestine Liberation Organization and its combatants as "terrorists." It does this throughout the report. This is disappointing because it shows that the Kahan Commission, which was billed as an independent commission of inquiry, in fact accedes to the Israeli government's use of the term terrorist as a political label. For many years, this usage has constituted Israeli government propaganda aimed at manipulating public opinion both within and without Israel and generally disparaging the PLO. In fact, in international law, "terrorism" is an empty concept. It is devoid of accepted international legal meaning and objective political content. One man's terrorist is another man's freedom fighter. The massacres of Palestinian civilians at Deir Yasin [April 9–10, 1948] and Qibya [October 14, 1953], as well as at Sabra and Shatila are considered by many to be terrorist acts. The Kahan Commission's use of this term to describe PLO fighters raises serious doubts about the objectivity of the commission itself.

Again, on page 60 of the Kahan report, the commission states that the atrocities committed in the refugee camps were perpetrated by members of the Phalange and that no direct responsibility devolves upon Israel or upon those who acted on its behalf. This conclusion, I submit, has no support at all in the evidential record, which suggests strongly that, to the contrary, the killer units inside the camps were indeed acting on Israel's behalf. But Israel's responsibility for these massacres doesn't rest upon the fact of Israeli troops being used directly in the camps, or upon the fact, or nonfact, of Israeli troops actually doing the killing. The Israeli government's responsibility for the massacres derives from its legal status as an occupying power.

In the Kahan report, however, whenever the evidence seems to point consistently to the Israeli Defense Forces, the Israeli army, that near-sacred institution, the commission arrives at a very definite finding: There were no Israeli soldiers in the camps. Again, responsibility in a legal sense doesn't depend on whether or not

soldiers were actually inside the camps. But recent evidence indicates that Israeli soldiers may indeed have been present there. It is not my purpose to establish the fact of this point; nevertheless, passes issued in Hebrew to Israeli soldiers on Saturday morning, September 18, were found inside the camps. This is also consistent with a report appearing a few weeks ago in *Der Spiegel* [February 14, 1983] in which a Lebanese militiaman, who admitted taking part in the killings himself, said that Israeli soldiers were inside the camps during the massacres giving instructions.[2)]

Second, an article carried by the Associated Press on December 12, 1982 quoted women who had been in the camps on the same point. Israeli tanks with Hebrew markings were observed inside the camps. These were IDF tanks on which the IDF insignia had been crossed out. Two Jewish American free-lance journalists, Ralph Schoenman and Mya Shone, were there and conducted extensive interviews. This is also their conclusion.

But my point is this: The Kahan Commission is only one inquiry; it is not the final word on the subject. The commission heard from certain witnesses only, and the question of the presence of Israeli troops is still an open one. There is an accumulating body of evidence on this one point alone. If there were time, we could go right through the Kahan report and point out other evasions. But my brief message to you is to keep an open mind on the subject and not be misled into believing what the international Israeli lobby would have you believe, that the matter is settled and that the Kahan Commission has spoken the whole truth. This is simply not the case.

Inquiry by the Jury

Gordon MCINTOSH: I would like to clarify the position of the jury. I am quite sure that the jury is capable of realizing that the terms of reference of the Kahan report are narrow. Therefore, they are capable of understanding that the recommendations of the report are equally narrow, and they also have enough intelligence to read the information in the report, with its contradictions, and realize that the crime of commission is almost admitted in it. Kahan had access to high-ranking government and army officials that we could never have. By reading what they said, we are capable of seeing the

contradictions that exist there and of deciding for ourselves about terms like "terrorist," which seem to worry you.

NOTES

1) "If the territory of West Beirut may be viewed at the time of the events as occupied territory—and we do not determine that such indeed is the case from a legal perspective—then it is the duty of the occupier, according to the rules of usual and customary international law, to do all it can to insure the public's well-being and security. Even if these legal norms are invalid regarding the situation in which the Israeli Government and the forces operating at its instructions found themselves in at the time of the events, still, as far as the obligations applying to every civilized nation and the ethical rules accepted by civilized peoples go, the problem of indirect responsibility cannot be disregarded." (From the Kahan report as reproduced in the *New York Times*, February 9, 1983)
2) The following excerpts are from an interview with a Lebanese militiaman published in *Der Spiegel*, February 14, 1983. Translated by editors.
"Dann kamen ein gutes Dutzend Israelis in grüner Uniform, ohne Rangabzeichen. Sie hatten Karten dabei und sprachen ganz gut Arabisch, nur das harte „h" sprachen sie wie alle Juden wie „ch" aus. . . . Einige Israelis in Falange-Uniformen waren mit von der Partie. „Die israelischen Freunde, die euch begleiten", so erklärten uns unsere Offiziere, „sind auch Freiwillige, die ihrer Armee nichts davon gesagt haben, daß sie teilnehmen. Sie werden euch eure Aufgabe erleichtern. . . . Ein Falange-Offizier hielt die Verbindung zu den Israelis am Lagereingang. . . . Nun sah ich wieder die israelischen Berater, die auf unserer geheimen Zusammenkunft gewesen waren. Einer benutzte ein Sprechfunkgerät und bedeutete uns, in die Nähe des Lagereingangs zurückzugehen. Wenige Minuten später schoß die israelische Artillerie aus allen Rohren auf das widerspenstige Lagerviertel."

"Then a dozen or so Israelis in green uniforms without rank insignia came along. They carried maps, and all spoke nearly perfect Arabic, except for pronouncing the aspirated Arabic 'h' as 'ch' in the manner of all Jews. . . . Among them were two or three Israelis dressed in Phalangist uniforms. Our officers told us the Israeli friends would go with us. (Our officers) told us that they were here of their own free will, that the military units to which they belonged were not concerned. They wanted to support us in carrying out our work. . . . A Phalangist officer communicated with the Israelis at the camp entrance. . . . Then we saw the Israeli military advisory group again that had attended our secret meeting. One of them held a walkie-talkie and ordered us to go back to the entrance of the camp. Several minutes later, Israeli artillery forces started shelling one part of the camp where there was resistance. . . ."

DOCUMENT SUBMITTED BY WITNESS FRANKLIN LAMB

The Sabra–Shatila Massacres, September 16–18, 1982

Below are presented certain findings of fact based on an extensive examination and distillation of evidence by the writer from a variety of sources concerning events during the Sabra-Shatila massacre.[1)]

- Between **June 6, 1982 and September 16, 1982,** several newspaper articles appeared in the Israeli press drawing attention to the fact of the likelihood of Phalangist massacres against Palestinians.
- **On August 4, 1982**, negotiations were finalized by special envoy Habib between the United States and the Palestine Liberation Organization whereby the United States provided guarantees of safety for the Palestinian civilians remaining in the refugee camps following the PLO evacuation of Beirut. The agreement provided that Israel was not to enter West Beirut.
- Between **August 22 and September 1, 1982**, the Palestine Liberation Organization withdrew its forces from the Sabra and Shatila refugee camps as well as other areas of Beirut. During the negotiations with the United States, using Lebanese intermediaries, PLO Chairman Arafat made very clear to envoy Habib the PLO concern over the safety of the Palestinian population left behind. Habib acknowledged that the Palestinian fear had a real basis in fact, and this specific subject was raised directly between Habib and Prime Minister Begin in three different meetings before the withdrawal. On the basis of Israeli assurances of Palestinian safety, Habib gave the PLO the U.S. guarantee that the remaining Palestinians would be safe. Only because of that guarantee, the PLO agreed to leave Beirut and withdrew its defenders from the refugee families in Sabra and Shatila.
- On **August 25**, approximately 2,400 multinational troops from France, Italy, and the United States arrived in Beirut to supervise the departure of PLO and Syrian troops as well as to provide security for the civilian residents of Beirut.
- On **September 3**, Israel violated the Habib agreement and entered Bir Hasan in southwest Beirut.
- Between **September 10 and 13,** the multinational force withdrew from Lebanon, two weeks earlier than contemplated by the Habib plan.
- On **Tuesday, September 14, 1982**, at approximately 5:30 P.M., President-Elect Bashir Gemayel was assassinated in East Beirut.
- At **8:30 P.M.**, approximately three hours after Bashir Gemayel's death, Foreign Minister Sharon and Chief of Staff Eitan made the decision to send the Phalangists into the camps. The reason according to Eitan was "because we could give them orders whereas it was impossible to give the Lebanese Army orders." Contrary to Israeli government statements, the Israeli army command did not first urge the Lebanese army to enter the camps but directly approached the Phalangists. Only Maj. Gen. Drori, who feared a massacre, urged the Lebanese army to enter the camps.[2)]
- An Israeli intelligence report from Mossad dated 9/15/82 entitled "Murder of Bashir Gemayel—Main Implications" predicted a civil war between "rival Lebanese power interests."[3)]

Wednesday, September 15

- At **12:30 A.M.**, Prime Minister Begin and Defense Minister Sharon, in consultation with Foreign Minister Shamir, decided to occupy West Beirut. This decision, made one hour after the assassination of President-Elect Bashir Gemayal, was later claimed by the Israeli army to have been made to "prevent bloodshed." [4)]

- At **12:40 A.M.**, 30 minutes past midnight, Gen. Amir Drori, commander of the region north of Israel, received an order to take all key points in West Beirut. On Israeli television Friday, September 24, Sharon acknowledged for the first time that this reason, provided by the military command, was only a "smoke screen" to hide Israel's real intention—the destruction of the remaining Palestinian guerillas claimed to be still in the city.
- At **3:30 A.M.**, generals Eitan and Drori met with the leaders of the "Christian militia," including Fadi Frem, Lebanese Forces or Phalangist commander in chief, and Elias Hobeika, chief of intelligence. They reviewed details of the operation to invade West Beirut. Also discussed was the Phalangist assault on the refugee camps. At the end of the meeting, a Phalangist military leader told the Israelis present, "For years, we have waited for this moment." (This statement was confirmed to the Knesset on September 22 by Defense Minister Ariel Sharon.)
- During the day of **September 15**, the preparations for the killer units to enter the camps were accelerated by the Israeli army. Among them was the painting by Israeli soldiers of the letters MP (Meeting Place) and a triangle drawn inside a circle, the symbol of the Phalangist Forces. The purpose was to show the route to be taken from Choueifat and the Beirut Airport to the Kuwait Embassy across the road from Sabra and Shatila camps. Phalangist forces from East Beirut and Damour as well as Sa'd Haddad's forces followed these directional signs.
- At approximately **4:30 A.M.**, the Israeli bombardment of West Beirut began.
- At **5:00 A.M.**, the Israeli army, in violation of the August 20 ceasefire and freeze-in-place, moved its forces into West Beirut. **By 11:45 A.M.**, it occupied areas encircling Sabra-Shatila camps.
- Between **5:00–5:30 A.M.**, Israeli planes made low-level flights over the camps.
- At **8:00 A.M.**, Israeli artillery shelling of Sabra and Shatila began.
- At **9:00 A.M.**, Sharon arrived on top of the 7-story Israeli Headquarters overlooking Sabra and Shatila camps. In the presence of generals Eitan and Drori, he telephoned Menachem Begin and told him, "Our forces have advanced toward their target, I can see them with my naked eye."
- At **9:30 A.M.**, Special U.S. Envoy Morris Draper visited Prime Minister Begin in Jerusalem to discuss the withdrawal of Israeli forces from Lebanon under the Habib accords. Begin greeted him as follows: "Mr. Ambassador, I have the honor to advise you that since 5 A.M. this morning our forces have advanced and taken positions inside West Beirut. Our goal is to maintain order inside the city. With the situation created by the assassination of Bashir Gemayel, it was necessary to protect the camps." On September 24, Sharon changed the explanation and stated that the reason was in fact that 2,000 "armed terrorists" were left behind with huge arms supplies. Gen. Eitan added that the "armed terrorists" who stayed behind were in the refugee camps.
- Earlier, on **September 15, 1982**, Eitan told the Foreign Affairs and Defense Committee of the Knesset that "there remain in West Beirut only a few terrorists and a small PLO bureau." Indeed, during their two-week occupation of West Beirut, the Israeli army conducted a systematic search but arrested only a few dozen people.
- At approximately **10:00 A.M.**, the Israeli army sealed off the north boundaries of the camps and at approximately noon they sealed off the east side of Shatila completing the encirclement of Sabra and Shatila with tanks, their cannon pointed toward the camps. Shortly thereafter, Israeli soldiers set up control points at the entrances and exits of the camps. The Israeli Defense Force Headquarters was located approximately 500 meters from the main street of Sabra–Shatila camps, and from the headquarters, the Israeli army had extensive visibility of the inside of the camps.
- During the **late afternoon**, several artillery and tank rounds were fired by the Israeli army into the Sabra and Shatila camps. Also in the afternoon, Israeli planes made low-level flights over the camps.
- Dr. Per Maehlumshagen, a Norwegian surgeon at Gaza Hospital, testified that

approximately 15 persons came to the hospital Thursday, having been wounded from these shells. Other casualties arrived at Akka Hospital, which is located at the southern end of Shatila camp.

- At **6:00 P.M.**, an Israeli air bridge was set up at Beirut Airport, and tanks and men disembarked. Later, following the announcement of the death of Bashir Gemayel, Sharon talked to Begin and the decision was made to invade West Beirut. Only Foreign Minister Itzhak Shamir was informed, and he endorsed the plan.
- Shortly after nightfall, the electricity was suddenly cut in West Beirut. An Israeli soldier later testified that he had received orders to begin firing flares over Sabra and Shatila camps at **10:00 P.M.**, Close to midnight, sporadic gunfire began in the camps.
- The Lebanese State Radio announced that Israeli forces controlled Sabra and Shatila camps.

Thursday, September 16

- Between **5:00–5:30 P.M.**, low-level flights of Israeli planes over the camps began, followed by artillery shelling.
- At **11:20 A.M.**, the Ministry of Defense in Tel Aviv and Jerusalem issued the following statement: "The IDF controls all the strategic points in Beirut. The refugee camps, harboring terrorist concentrations, are encircled and closed." Israeli forces occupied the commercial districts of Hamra, Corniche, and Mazra.
- By approximately **10:00 A.M.**, the Phalangists completed their preparations to enter the camp. After a conversation with Sharon, Israel's Chief of Staff Eitan asked Gen. Drori, Israel's divisional commander for the area north of Israel, to check to see if the Phalangists were ready to enter.
- At **11:45 A.M.**, Gen. Drori met with the Phalangist commander in Beirut, Fadi Frem, and Elias Hobeika, intelligence chief of the Phalange, "to coordinate the entrance of the Phalange units into Shatila camp."
- Drori asked Frem if his men were ready to enter Sabra and Shatila. Frem answered, "Yes, immediately." Both Frem and Hobeika commented that there would be a "kasach" (chopping) in the camps. According to Sharon's Knesset speech on September 20, "the conclusion was that a military force would enter the Shatila camp from the south and west to mop up terrorists." Sharon also reported they had told the Phalange to take action only against "terrorists." (Earlier versions from the Israeli army and government stated that the Israeli army had not encircled the refugee areas but had held the positions only to the north, south, and west and that the killer militia had entered unseen from the unguarded east.)
- At **12:00 noon**, casualties with high-velocity gunshot wounds began arriving at Gaza Hospital. Thirty patients died before receiving medical attention.
- At **3:00 P.M.**, Gen. Amos Yaron, commander of the Israeli forces in Beirut, met with Hobeika and Frem of the Phalangists. They looked over aerial photographs furnished by Israel. They pinpointed that the Israelis would give all necessary assistance "in order to eliminate the terrorists in the camps."
- Drori telephoned Sharon and told him, "Our friends are advancing into the camps. We have coordinated their entry." Sharon answered, "Felicitations, the operation of our friends is approved."
- Brig. Gen. Amos Yaron, the division commander in the Beirut area, later stated to the Israeli commission investigating the massacres that he was so concerned about the possibility of slaughter of civilians that he "placed observation posts as close as possible to the area of their operations" and had "agents listen in on Phalangist radio communications."
- At approximately **noon** the municipal council which governs the camps sent six elderly men delegates with white flags to negotiate peace with the Israeli units near the Kuwaiti Embassy. Five of the men were killed.

- At **4:00 P.M.**, a unit of 150 Phalangists assembled near the airport moved across Quazai along Henri-Chehab Boulevard to the general headquarters of the Lebanese army in the abandoned UN building. They were watched from across the road from the 7-story Israeli observation post. This building was 500 meters from the main road running through Sabra and Shatila camps.
- At **4:00 P.M.**, the Israeli soldiers moving the barricades at the entrances to Shatila camp received orders to allow the Phalangist forces in.
- At **4:10 P.M.**, 25 jeeps filled with Phalangist militia passed by Bir Hasan toward the Kuwait Embassy. Alarmed camp residents approached Israeli officer soldiers who told them to return to their homes and that they had nothing to fear.
- Between **5:00 P.M.** and **5:15 P.M.**, killer units of approximately 50 men entered the camps. Two routes were used. One entered exactly in front of the Israeli observation post diagonally across the street from the Kuwait Embassy into the Arsal section of Shatila. This advance unit was led by Hobeika. Hobeika himself did not enter the camp with his men but joined the Israelis in their forward command post. The other entered from the main road in the camp to the Horch Tabet section. A majority of the units entering the camps consisted of Phalangists and several military police and at least a few dozen men from Sa'd Haddad's forces driving in jeeps supplied by the Israelis. After first denying any involvement, Sa'd Haddad later told an Israeli press conference that some of his men could have been working with the Phalangists. *Washington Post* correspondent Loren Kramer, an Israeli television reporter, and dozens of inhabitants of Choueifat, a neighborhood near the airport, claimed they saw a convoy of Haddad's forces moving toward the airport from the south. Moreover, several journalists and diplomats reported seeing Haddad's men the day following the massacres mingling with Israeli soldiers throughout West Beirut.
- Throughout the night, Israeli observers, 200 meters from the center of the killing, watched the massacre with infrared binoculars, which essentially convert the night to day for the viewer.
- At **5:30 P.M.**, the first bands of militia which entered Shatila camp conducted the first massacres in the section of the camp called Arsal in front of and perhaps 100 meters from the Israeli observation post. Almost immediately the Israeli soldiers who had encircled and sealed off the camps were besieged by hysterical, screaming Palestinian women running from the refugee neighborhoods and telling of the massacre. These women were prevented from leaving the camps by the encircling Israeli army. West and south of the camps Israeli tanks were placed every 100 to 200 meters.
- These reports of a massacre in the camps were immediately relayed to officers and transmitted along the Israeli army command chain.
- At **7:00 P.M.**, an hour after Phalangists had entered the camps, an Israeli lieutenant identified only as Elul, an aide to the division commander, Gen. Yaron, "overheard a conversation that took place over the Phalangist transmitter" that was being monitored in the Israeli forward command post. According to Lt. Elul's testimony, he "heard a Phalangist officer from the force that had entered the camp tell Hobeika that there were 50 women and children and what should he do." Lt. Elul testified that Hobeika's reply over the radio was, "this is the last time you're going to ask me a question like that, you know exactly what to do." Lt. Elul said that at that point, "raucous laughter broke out among the Phalangist personnel on the roof." The Israeli officer said that he understood that what was involved was the murder of women and children and said so to Yaron.
- Between **7:00 P.M.**, and **8:00 P.M.**, Israeli soldiers fired 81 mm flares at the rate of two per minute. The flares continued throughout Thursday and Friday night.
- At Approximately **7:00 P.M.**, Sharon met with Morris Draper, who requested that the Israelis leave Beirut. Sharon refused.
- At **9:30 P.M.**, Sharon later acknowledged, "The word revenge also appeared I would say, in discussions among us," and he conceded that he had known that the Phalangists

"tended toward creating conditions so that eventually the Palestinians would leave Lebanon."

- At approximately **10:00 P.M.**, according to Gen. Yaron, Israeli army division commander for Beirut, soldiers under his command monitored a radio conversation between a Phalangist militiaman in the field and his commander. Asking for advice on the camp operation, the militiaman was told to "do what God commands you."
- At **11:00 P.M.**, the Phalangist commander of the troops in Shatila reported to Gen. Yaron, "Until now, 300 civilians and terrorists have been killed." This report was immediately given to Eitan and more than 20 high-ranking officers in Tel Aviv. Despite this report, which was confirmed by *Jerusalem Post* military correspondent Hirsch Goodman and the numbers who received it, the massacre continued until late Saturday morning.
- Gen. Yaron later said this report convinced him that more than "fighting against the terrorists was going on," and he contacted the Phalangist staff commander but stated he did not forward the report to commanding officer Gen. Drori.
- Israeli army Lt. Avi Gabowski later testified that he saw Phalangists killing civilians and one of them told him "pregnant women give birth to terrorists." He reported this incident to his superiors.
- From **7:30 P.M. to midnight**, the Israeli Cabinet met in extraordinary session. The minutes of the Cabinet meeting showed no dissent. Deputy Prime Minister David Levy and Gen. Eitan spoke of possible Phalangist revenge against Palestinians. According to the minutes of the Cabinet meeting, Eitan predicted "the outbreak of acts of revenge . . . it will be an outburst the likes of which have not been seen. I already see in their eyes what they are waiting for . . ." This same report was made by *Jerusalem Post* correspondent Hirsch Goodman. Eitan reported on the West Beirut situation including limited united engagements with Muslim militias, such as Al-Mourabitoun. He off-handedly mentioned that the Phalangists entered the refugee camps in order to "mop up nests of terrorists." He added that the Phalangist activities were completely coordinated with those of the Israeli army. During the four-hour discussion of West Beirut, approximately three minutes were devoted to the Phalangists being sent into the camps.
- **Toward nightfall**, an indefinite curfew was imposed in all areas under Israeli control, including Sabra and Shatila refugee camps.
- During **Thursday night**, 82 wounded persons from Shatila made their way to Gaza Hospital; the route to Akka Hospital, which was closer, was blocked by Israeli forces. Some of the injured were wounded in the massacre and some by the shelling by the Israeli army earlier in the afternoon.
- During **Thursday night**, between 1,000 and 2,000 persons from Sabra and Shatila, in a state of panic, sought refuge in Gaza and Akka hospitals.

Friday, September 17

- Shortly **past 1:00 A.M.**, Israeli army radio announced that the Israeli army was leaving the "cleansing of the camps" to the Phalange.
- At **5:30 A.M.**, Israeli military intelligence officer Moshe Hevroni received the report that 300 were dead and had his aide forward the report to Sharon's office. At Sharon's office, Lt. Col. Reuven Fai passed it to Sharon's civilian aid Dudai **at 11:00 A.M.** Dudai denies receiving this report.
- Early **Friday morning**, according to Israeli Col. Eli Geva, he saw Israeli soldiers and officers watching from their observation post the piling of bodies and the execution of civilians. During this period, the Israelis from time to time gave food and water across their barricades in front of Shatila. Rumors of a massacre began to spread through the IDF units. At about the same time, several journalists learned of the massacre in progress, and Zeev Schiff, the military correspondent of *Ha'aretz*, contacted several

Israeli officials including Minister of Communications Mordechai Zippori. Zippori telephoned Foreign Minister Shamir and reported a massacre was taking place in the refugee camps of West Beirut. Zippori, whose personal relations with Sharon were not good, urged Shamir to find out from Sharon exactly what was going on in the camps.

- Sharon would later tell the Knesset on **September 22**, "When we first had doubts about what was going on in the camps, the Commander of the North Front (Drori) immediately took measures to stop the action of the Phalangists at Shatila . . . We put an end to the Phalangist activity toward Friday noon, and we definitely evacuated them toward Saturday noon." In reality, the massacre activity continued all day and all night until Saturday morning. During this period, fresh Phalangist troops entered the camps.
- At approximately **6:00 A.M.**, Israeli tank commander Avi Gabowski saw Phalangist militiamen kill a group of five women and children. His tank crew informed the Israeli regimental commander who told them "not to intervene." [5]
- During the morning of **September 17, 1982**, Cap. Moshe Sinai reported to Lt. Col. Gai, an officer in the Israeli National Security Unit, that "300 civilians have been killed in the camps." Gai reacted with the words, "Listen, that's very interesting—I spoke with the minister during the night, and I'll go talk with him in a little while; the story is very interesting, and the minister will be very happy to hear the report." Between 12:30 and 3:00 P.M., Lt. Col. Gai reported this information to Avi Dudai, personal aide to Sharon, at the Ministry of Defense.[6]
- At approximately **11:00 A.M.**, the Phalangists asked for more ammunition to be sent into the camp as well as fresh soldiers to replace those who were tired. Yaron agreed with Hobeika that two more battalions of militiamen could enter the camps, but only one entered. He later stated that the new supplies were sent into the camps between "**11:00 A.M.** and **2:00 or 3:00 P.M.**"
- At approximately **11:00 A.M.**, Drori gave the Phalangists an order to immediately stop the killing. He did not order them to leave the camps, nor did he investigate whether the massacre had stopped.
- Between **11:00 A.M.** and **noon**, Akka Hospital, located just across the street from Shatila camp, was invaded by the killer unit, and several of the wounded were killed in their beds. Several staff members were also killed. Intissan Ismail, a 19-year-old Palestinian nurse, was repeatedly raped by Sa'd Haddad forces and her body mutilated so completely that the only means of recognition was the ring on her finger. A Lebanese colleague at Akka confirmed this event and some of the conversation of her killers.
- At **11:05 A.M.**, Communications Minister Zippori telephoned Shamir to forward a report that "the Phalangists are massacring" in the camps. At **12:00 noon**, Shamir met with Sharon and top generals but claims he did not mention the reports of the massacre to Sharon.
- At about **11:30 A.M.**, three large Phalangists trucks and two smaller pickups were loaded with men, women, and children and left the camps toward the south. This truck passed Israeli units in front of the camps. This activity was filmed by Danish television cameraman M. Peterson. Residents of Choueifat and Hadath, south of the camps, reported the truck passed their area, heading south.[7]
- According to the *New York Times* of January 30, 1983, "Palestinian and independent medical sources in Beirut stated that several hundred men rounded up by the militias in Sabra and Shatila were turned over to the Israelis and were in detention in the Israeli prison at Ansar.
- Approximately **11:45 A.M.**,Drori called Army Chief of Staff Eitan with news of the massacre. Eitan told Drori that he was coming to Beirut.
- About **11:45 A.M.**, some of the killer units assembled about 100 men in the main road of Shatila and began to cut their faces with knives and interrogate them.
- At approximately **noon**, Shamir and Sharon met with U.S. envoy Morris Draper and urged him to pressure the Lebanese government into sending its army into the camps.

According to Draper, neither Shamir nor Sharon told what both of them knew—that for more than 12 hours, the Phalangist militia had been engaged in a massacre.

- Beginning in **late morning**, at least three Israeli bulldozers entered the camps, and groups of militia prepared mass graves in order to hide bodies. Throughout the afternoon and night, they also destroyed houses. One grave was dug below the Israeli observation post as Israeli soldiers watched.
- In the **early afternoon**, Yaron spoke to Col. Agmon, the Phalangist liaison officer, and was told that his men were killing women and children. Yaron did not inform Drori or Eitan during their meeting.
- At **3:30 P.M.**, Eitan arrived at Beirut airport. He saw the Phalangists troops and spoke with some of their leaders.
- At **4:00 P.M.**, a Norwegian diplomat observed that the scoop of one of the bulldozers was filled with bodies.
- In **mid-afternoon**, approximately 400 civilians seeking to escape the massacre and carrying a white flag approached Israeli soldiers. They were turned back at gunpoint.
- At **4:00 P.M.**, at the checkpoint outside Shatila in front of the Kuwait Embassy, Israeli soldiers lounged among militia with the Israeli army giving them food and water. One Israeli soldier present later reported, "We were giving the men some rest before they went back in."
- At **4:30 P.M.**, Eitan met with Drori and Fadi Frem, the head of the Phalangist forces in East Beirut. According to Drori, Eitan congratulated the Phalangists on their operation. Frem explained to Eitan that the Americans had asked him "to stop the operations in the camps." Frem asked Eitan "for more time in order to clean them out." Eitan agreed and reversed Drori's earlier order to stop and allowed the Phalangists to remain in the camps until **Saturday A.M.** While both sides agreed that the "operation" (i.e., massacre) could continue until Saturday morning, they agreed that other supplementary Phalangist units were not to enter the camps. However, fresh troops were sent into the camps. This decision gave the Phalangists 13 more hours of killing. Contrary to what Drori claimed they agreed to, Hobeika's unit and fresh Phalangist troops entered the camps and continued their killings.
- According to the *New York Times*, at this meeting, Gen. Yaron testified. "Chief of Staff Eitan said a few more words to the Phalangists about their smooth military operations in the camps." Gen. Levy testified that the Phalangists said their mission had been completed. And the chief of staff gave the Phalangists permission to remain in the camps until 5:00 A.M. Saturday. Their withdrawal, then, according to Gen. Yaron, had nothing to do with their treatment of the civilian population but was the result of pressure by the Americans.
- Reuters correspondent Paul Eddle interviewed an Israeli colonel on Friday afternoon who told him that two principles had guided the refugee camp operations: "that the Israeli army should not become involved and that the area needed to be purified." [8]
- During the **late morning**, Ron Ben Yishai, military correspondent for Israeli television, followed a group of Phalangists, who stated that they were on a military mission from East Beirut to Beirut airport. There he saw units of Phalangists with Israeli uniforms—with the Israeli inscription replaced with one reading "Lebanese forces." He also saw several U.S. supplied Sherman M–47 and T–54 tanks, as well as 120 mm guns, military trucks, and command cars. The clothing and helmets were spread on the ground, being delivered to the Phalangists by the Israeli army. Several journalists present spoke with the Phalangists, who left no doubt about their mission. "We are going to kill them, we are going to fuck their mothers and their sisters," the journalists were told, according to Ben Yishai. Israeli correspondent Alex Fishman has reported that several of the militia took alcohol with them, and one told him "before going I must take a good supply of hashish."[9]
- At approximately **5:15 P.M.**, approximately 200 militiamen prepared to leave the airport for the camps. Eitan, Drori, and several Israeli officers arrived from their

meeting with Fadi Frem. Eitan spoke with several Israeli and Phalangist officers and then piloted an airplane to Ramat-David airport in Israel and then went to his home at Tel-Adachim. At 9:00 P.M., he called Sharon.

- At **9:00 P.M.**, according to Sharon, Eitan called him and stated *"Hem higzimu* (They overdid it)".
- According to a report on Israeli television, Sharon was awakened **Friday evening** by a telephone call from military correspondent Ron Ben Yishai, who reported about the massacre. According to Ben Yishai, Sharon replied "Happy New Year."
  Sharon said he telephoned Beirut following this call, but his subordinates advised him the massacre was over. (In fact, the massacre continued throughout the night for approximately another nine hours.)

Saturday, September 18

- Between **midnight Friday** and approximately **8:00–9:00 A.M., Saturday**, the massacre continued unabated with over 200 militiamen in the camps killing whomever they could find with the knowledge that they had been directed by the Israelis to leave the camps by early morning. According to eyewitnesses, most of the killing took place between Friday night and Saturday morning.
- From **6:00 A.M.** to **8:00 A.M.**, loudspeakers were used to call inhabitants from Sabra to assemble on the main street. "*Sallimou Tislamou* (Come out and you will be safe)," the residents were told. Several hundred assembled and were herded south on the main road of Shatila. Some small groups were separated and shot against walls. Bulldozers covered some of the bodies in crushed houses. Some were put into trucks in front of the Kuwait Embassy. One survivor reported hearing a militiaman say, "Better liquidate the maximum before anyone interferes." Some were taken away in trucks, others shot, still others taken to the sports stadium.
- Between **6:00 A.M.** and **7:00 A.M.**, several Phalangist militiamen entered Gaza Hospital and forced the medical staff—some from England, Norway, Sweden, Ireland, Denmark, Finland, and the United States—to assemble outside. Arab staff members were shot. The group was taken to Phalangist headquarters and turned over to the Israeli army which released them.
- Throughout the **morning**, inhabitants of the camps were periodically put into trucks and taken to unknown destinations. To date, it is not known how many were taken or where they were taken. Groups of bodies have been discovered along a route leading from the camps through the areas of Ouzai, Khalde, Harat en Naameh, Kafr Chima, and around the airport.
- **Close to 10:00 A.M.**, a stillness began to envelope the camps. Some isolated killing continued. Israeli tanks closed off the entrances to the camps. The Phalangist militia climbed into their vehicles and returned to their bases.
- **Toward noon**, journalists and photographers descended up on the camps. Shortly thereafter, the world learned of the massacre at Sabra and Shatila.

Discussion of the Evidentiary Record

While the international legal framework discussed above* as applicable to Israel as occupying power is primary, also of critical relevance is the nature and scope of Israeli involvement in the planning and execution of the massacres. Much of this evidence, unfortunately, was insufficiently discussed by the Kahan Commission, if it was discussed at all. It warrants consideration here.

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*The section pertaining to the international legal implications of the massacres and that concerning possible international legal sanctions against Israel have been omitted here for reasons of space—Eds.

The evidentiary record outlined above establishes that the Phalangist militia was the main killer unit actually carrying out the massacres between September 16 and 18 at Sabra and Shatila refugee camps.

The history of the evolution of the Phalangists as a military unit, particularly from 1975 to the present, is also the history of deep Israeli military and financial support of the Phalange forces. Many of the Phalange officers and troops have received extensive training inside Israel. This is particularly true of several of the units used in the massacre, including The Tigers and The Guardian of the Cedars.

When Israel decided to invade West Beirut, it also decided to enlist the support of the Phalange for "cleansing" the Palestinian refugee camps at Sabra and Shatila. Contrary to earlier reports, the Phalangists were not sent into the camps only after the Lebanese army refused. The army was never even approached on this subject. Sharon wanted the Phalangists to go in and, according to *Time* magazine, as well as Israeli sources, Sharon discussed with the Gemayel family during his condolence visit "the need for the Phalangists to take revenge for the assassination of Bashir Gemayel."

The evidentiary record establishes that several meetings between the Israeli authorities and the Phalangists took place in order to plan and coordinate logistical support for the entry into the camps by the Phalangists. That logistical support, which both preceded and followed concurrently with the massacres, was substantial:

- Several eyewitnesses have given testimony that the Israelis supplied not only weapons and ammunition but clothing and other equipment to the Phalangist units.
- Israeli military authorities arranged for the Phalangist units to meet at Beirut airport and to receive additional equipment, including vehicles, before moving toward the camps.
- On September 15, in order to facilitate the movement of the Phalangists to the camps, Israeli soldiers painted on various walls the triangular insignia for the Phalangists, followed by an arrow and a circle, with "MP" written inside. Contrary to some reports, the "MP" did not refer to military police but to "meeting place." English is the language most used by the Israelis and Phalange for communication.
- It was the Israeli authorities who decided how many Phalangists would enter into the camps and at what time.
- It was the Israeli authorities who specified which entrances were to be used to enter the camps and who made arrangements for the area sealed by Israeli troops to be opened for the Phalangists to enter.
- During the conduct of the massacres, as had been the case preceding the massacres, the Israeli and Phalange forces maintained close contact. As the evidentiary record establishes, the Israeli and Phalangist forces maintained liaison officers in each other's headquarters. In addition, the Israeli Mossad monitored the communications of the Phalangists, as did the Israeli military intelligence under the direction of Maj. Gen. Saguy. Consequently, the Israeli military authorities heard much of the communication that flowed inside the camps to the Phalangist military authorities.
- In order to facilitate the Phalangist in their operations during the nights of September 16 and 17, the Israelis fired dozens of flares above the camps, from artillery and from aircraft, to light the way for the Phalangist forces inside the camps.
- On more than one occasion, the Israeli authorities allowed more ammunition and supplies into the camps. The Israeli authorities acceded to Phalangist requests for more ammunition, for more flares, and for fresh troops to be sent into the camps.
- The Israelis extended by 13 hours the time for the militia to conduct its "operation."
- From a 7-story apartment building, which the Israeli military used as an observation post, the Israeli army had an excellent view of the camps, particularly Shatila, and of many of the movements and activities that were taking place in parts of the camps. Because of the proximity of this observation point to the center of the massacre, gunfire and the screams of victims could easily be heard.

These forms of immediate and direct aid to the perpetrators of the massacre must also be viewed against a background of general Israeli disregard for the well-being of the Palestinian population, as well as numerous specific attacks on the population in the Occupied Territories of the West Bank in Gaza. Notable prior instances include the 1948 massacre at Deir Yasin by Menachem Begin's Irgun gang and the massacre at the West Bank Village of Qibya on October 14, 1953, led by Israeli Defense Minister Sharon.

Another factor which bears heavily on Israeli neglect of its clear responsibility as occupying power is the fact of the total Israeli failure to investigate, apprehend, or punish the perpetrators of the massacre who were completely under their control. The fact of total Phalangist obedience to Israeli commands has not been questioned. All accounts make plain that the Phalangist units were immediately responsive to Israeli commands. As the agents of Israel for "cleansing the camps," the Phalangists were accountable to the Israelis for acts conducted against populations that were legally under Israeli custody.

Yet the Israeli authorities completely averted their eyes to the massacres and took no action whatsoever against the Phalangists. Indeed, the evidentiary record shows that Chief of Staff Eitan actually congratulated them.

Conclusion of Law: Israeli Responsibility for the Sabra and Shatila Massacre

As indicated above, the international legal position, as well as the moral position, is inescapable. As occupying power, Israel had a formal and strict responsibility for the protection of the inhabitants of Sabra and Shatila.

The Israeli military authorities arranged for the entry into the refugee camps of forces which they had every reason to believe would harm the civilian residents. The ensuing massacres constitute a "grave breach" of the Geneva Convention and Protocol and are legally attributable to Israel, both as occupying power and because of its role in the planning and execution of the Phalangist operations.

Shortly after the Phalangists entered the camps, the Israelis began to receive information suggesting the random killing of men, women, and children.

Consequently, Israel stands in clear violation of international customary law and is guilty as well of a "grave breach" of the 1949 Geneva Convention (IV) and 1977 Protocol I Additional to the Geneva Convention. The Israeli political and military leaders listed above, including Prime Minister Begin, Foreign Minister Shamir, Defense Minister Sharon, and Chief of Staff Eitan, are individually liable for their activities of aiding and abetting the perpetration of the massacres. They are also individually liable for their failure to protect the civilian population, their failure to stop the massacres, and their failure to punish those under their authority whose hands inflicted the carnage.

Liability exists for the state of Israel with respect to punishment of those Israelis involved. Israel is also liable for compensation to the families of the victims.

Conclusions of the Kahan Commission

It is not the purpose of this commentary to extensively analyze the February 7, 1983 report of the Israeli Commission of Inquiry into the massacres at Sabra and Shatila. However, some of its findings and opinions warrant comment.*

As indicated above, Israel's primary responsibilities derived from its status as occupying power of much of Lebanon and of West Beirut during the time of the massacre and from the fact of its involvement and coordinative role with those who actually conducted the killing. This legal conclusion was acknowledged by President Reagan in his statement of September 18, 1982.

While this writer does not assert that Israeli soldiers were inside the camps aiding in the massacre, the report of the Kahan Commission is not persuasive on this point inasmuch as

*Seven paragraphs that reproduce parts of the witness's testimony have been deleted—Eds.

the Commission has not released the testimony of witnesses who may have had eyewitness knowledge of exactly which forces were in the camps during the massacres.

The Kahan Commission did provide clarification of the fact that an Israeli soldier's identity card and dog tag were found inside Sabra Camp by explaining satisfactorily the circumstances of how the tag likely got into the camp.

But, contrary to what the Kahan Commission implies, this does not settle the question of whether other Israeli soldiers were inside the camp during the massacres.

Nobel Prize winner Sean MacBride, who headed an international commission to inquire into reported violations of international law by Israel during the invasion of Lebanon, also recently released a report which included comment on the Sabra–Shatila massacre.

The MacBride report indicates that there has not yet been available conclusive evidence which substantiates one way or the other assertions made regarding Israeli troops inside the camps during the massacre. MacBride notes certain unanswered questions on this subject, including the fact that an Israeli officer gave, in Hebrew, a written safe conduct pass for going through the camps to the doctors returning to Gaza Hospital on September 18.[10]

In addition, the MacBride Commission reports that "two bulldozers with Hebrew markings on their sides were identified as being in the camps," bulldozing houses and covering bodies.[11]

Perhaps most significant, according to MacBride, is that "Israeli soldiers seemed to be operating under orders not to allow any inhabitants of the camps to escape, despite Israeli awareness that civilians were being killed in large numbers and that a massacre of some sort was underway. Whether such a form of involvement should be considered direct or indirect is merely [*sic*] a matter of semantics", says MacBride.[12] MacBride concluded that "these actions contributed to the atmosphere of terror associated with the massacre and kept people in it and this has in no sense been repudiated by either Israeli military or political leaders."[13]

The Kahan Commission, while holding Israeli Defense Minister Ariel Sharon personally responsible for the massacres at Sabra and Shatila, states on page 71, "We do not believe that responsibility is to be imputed to the Defense Minister for not ordering the removal of the Phalangists from the camps when the first reports reached him about the acts of killing being committed there." The Kahan Commission goes on to explain that this is because Sharon relied on the assurances from Chief of Staff Eitan that all was well in the camps. In this matter the commission errs, as it failed to apply the appropriate standard of international law on this point. International law required Sharon to have made an immediate investigation of conditions inside the camps, to stop the massacre, and to divest those responsible.

Also on page 71, the Kahan Commission states that Sharon "had no duty to order additional steps to be taken or to have the departure time (of the killer militias) moved up, a step which was of doubtful feasibility." The Kahan Commission does not explain why this required action of Sharon's was not feasible, and indeed, there is nothing in the evidentiary record which would excuse Sharon from his responsibility of immediately investigating and ordering a cessation of any crimes that were being conducted in territory occupied by the Israeli military, including the refugee camps of Sabra and Shatila.

On page 56 of its report, the Kahan Commission implies that the United States may have liability for the massacre because the United States did not send the Lebanese army into the camps. This assertion is without any juridical basis whatsoever, because it was not the United States that was the occupying power but, rather, Israel. Indeed, the evidentiary record makes plain that Morris Draper, special American envoy to Lebanon, urged Israel not to invade West Beirut and not to send the Phalangists into the camps.

While the United States has some international legal responsibility based on its guarantees of the safety of the civilian population in the camps, its responsibility is not that which is suggested by the Kahan Commission.

Among specific assertions of the Kahan Commission which appear to have little if any factual support from the evidentiary record is that which is found on page 52 of the report. There, the commission states that "events in the camps, in the area where the Phalangists

entered, were not visible from the roof of the forward command post. It has also been made clear that no sounds from which it could be inferred that a massacre was being perpetrated in the camps reached that place. It is true that certain reports did reach officers at the forward command post. But from the roof of the forward command post, they neither saw the actions of the Phalangists nor heard any sounds indicating that a massacre was in progress."

This conclusion of the Kahan Commission has been contradicted by numerous eyewitnesses, including several Israeli soldiers present at the observation post. Israeli soldiers were seen looking into the camp with high-powered telescopes during the day and with infrared binoculars at night. Indeed, Defense Minister Sharon, in speaking from the observation post with Prime Minister Begin in Jerusalem, stated that he could see "with my naked eye" into the camps. In fact, the observation post is located a mere 100 yards from Shatila Camp, and only about 400 yards from the center of the massacre at Shatila.

This writer visited the observation post on January 17, 1983 and stood where the Israeli observers stood, which the commission did not do. This writer not only could see well into the camps but also could easily hear the sounds of children playing in the camps, around one of the mass graves, which was located near the center of one of the main massacre areas.

The assertion by the Kahan Commission of neither sights nor sounds from the camp reaching the observation point is very puzzling because there seems to be no evidence to support it.

The Kahan Commission goes to fairly great lengths in its report to make findings which suggest "nonfeasance" on the part of Israeli officials concerning the massacre, rather than strong cases of "misfeasance" and "malfeasance" deducible from the facts.

For example, on page 28 of its report, the commission discusses Israeli Chief of Staff Eitan's conduct of praising the Phalangists for their "operation" in the camps rather than demanding to know exactly what was going on there after Eitan had been advised of a massacre by Israeli generals Yaron and Drori. Even the published evidentiary record leads to the conclusion that Eitan was a conspirator in the massacre and was satisfied with the Phalangist conduct that had been reported to him.

Eitan's reaction evinces a predilection to have the Phalangists stay in the camps: He overruled the earlier decision to stop the "operation" and extended by 13 hours the period during which the greatest slaughter was conducted. Despite this record, the Kahan Commission concludes that Eitan's silence was the result of "his fear of offending their (i.e., Phalangist) honor" by appearing to question their conduct. This conclusion appears to be without any rational basis except to shield the Israeli army from culpability.

A further apparent effort by the commission to protect the Israeli army from any involvement in the massacre, despite probative evidence to the contrary, includes the "definite finding" that no Israelis from the observation post overlooking the camps saw or heard the massacre. In addition, the commission found that no Israelis were in the camp anytime during the massacre and that no forces of the Israeli army-controlled Sa'd Haddad participated. Moreover, the commission omits any discussion of the rather massive evidence of Israeli army assistance to and coordination of the Phalangist "operation." Nor does the commission reveal the testimony on which many of its conclusions are based, "for security reasons."

It is the writer's view that the Kahan Commission did not delve far enough in its examination and that there are many more witnesses who could shed light on the events of September 15–18, 1982 in addition to the 49 who testified before the Kahan Commission.

The above observations are not meant to criticize the Kahan Commission without giving it and the Israeli public commendation for the fact that the inquiry was even made. Their effort stands in sharp contrast to the silence from the Lebanese authorities. It is the latter who know most about who did what during the massacre and who have a solemn duty to fully bare the facts before the international community.

NOTES

1) The writer studied the events covering the period of the massacres as reported in the U.S., Israeli, and Lebanese press. He also visited the Sabra and Shatila refugee camps on several occasions during two visits to Beirut since the massacre. Several witnesses were interviewed during conferences held in Brussels, October 23–25; Oslo, October 28–30;and Paris, January 23–25, 1983.
2) This is one example of certain Israeli officials attempting to "contain the damage" which was feared by putting out initial explanations that were later shown to be, in Sharon's words, "a smoke screen."
3) See The Commission of Inquiry into The Events at The Refugee Camps in Beirut, Final Report, Appendix B. On 9/17/82, the Israeli Cabinet issued a statement to that effect.
4) Sharon later stated that he was not present when the decision to enter the camps was made but only learned of it later. Another Israeli soldier nearby told ABC News that several soldiers witnessed atrocities and reported them. ABC showed video film taken during the massacre. (Palestinian woman on film to Israeli soldier: "All we want from you is to keep the Phalange away from us. Come to the camp now and we'll show you the dead bodies." Bill Redeker, ABC News: "But the Israeli soldier says he can't leave his post and sends them back to Shatila.")
5) Ibid.
6) Ibid.
7) See ABC News, "CLOSEUP", aired January 7, 1983, Show #13, "Oh, tell the world what happened," where it is reported that a Danish television news crew identified these soldiers as Haddad's men.
8) Following exposure of the massacre, Eddle and other journalists experienced general denials from certain Israeli soldiers who earlier admitted knowledge of the massacre. Eddle concluded that the Israeli high command gave orders to Israeli troops to deny only knowledge of events inside the camp.
9) See Amnon Kapeliouk, *Sabra et Chatila, Enquête sur un massacre*, pp. 59, et. seq., Seuil, Paris.
10) See *Israel in Lebanon, the Report of the International Commission to Inquire into Reported Violations of International Law by Israel During its Invasion of Lebanon*, February 1983, p. 178.
11) Ibid.
12) Ibid.
13) Ibid., pp.178 and 181.

The Habib Agreement

Jamal Surani[1]
Secretary-General, Palestinian Jurists Union

I have with me some of the letters, notes, and observations of Philip Habib, President Reagan's official representative, which were sent to the Palestine Liberation Organization leadership in Beirut through the Lebanese prime minister. In the documents entitled "U.S. Comments on the Palestinian Proposed Plan for the Departure of Palestinian Forces," dated August 3, 1982, and "U.S. Comments on the August 4 Palestinian Point of View," we read the following:

> "Concerning the desirability of a bilateral Lebanese-Palestinian agreement as regards the future of Palestinian non-combatants in Lebanon, etc. COMMENT: This is a matter strictly for the Lebanese government to decide . . . Regarding U.S. Government guarantees as regards security for the departing Palestinian forces along with the security of the camps. COMMENT: We will provide these guarantees."
>
> "With regard to a ceasefire, we agree that this will be essential. We will do our best to assure a ceasefire in place. There also will be UN observers to monitor the ceasefire under Security Council Resolution 516 . . . Regarding the future status of the non-combatant Palestinians, we are in agreement that this is for the Lebanese government to decide . . . We appear to be in agreement on the Security Council Resolutions and on U.S. assurances about the safety of the departing Palestinians and the camps." [2]

Concerning the Israeli inquiry, we can see from the way it was set up that the Kahan Commission was intended, from the start, to investigate the crimes of the Phalangists, not those committed by the Israeli government or the Israeli army. The commission had no mandate to investigate the role of the Israeli government and army.

Second, before the occupation of West Beirut occurred, a multinational force was stationed there. This force came to stay for one month, with the possibility of prolonging its presence by a second month, then by a third, etc. What happened is this: The multinational force stayed for only 21 days and then left. The American, French, and Italian soldiers did not even stay for one full month. According to their mandate, they were required to negotiate with all the parties concerned before leaving. But they did not negotiate with anyone, except, as we believe, with one party, Israel. They left early so that it would be possible for Israeli troops to enter West Beirut. Had the multinational force been there, it would have been very difficult, if not impossible, for the Israeli army to enter West Beirut, and the Sabra-Shatila massacre would have never taken place.

Third, Israel invaded and occupied Lebanon because it held Lebanon responsible for all the crimes committed by "terrorists" meaning Palestinians. But if Israel occupies Lebanon, then how can it disclaim responsibility for crimes committed on Lebanese soil during the period of occupation? If Lebanon is responsible for the crimes of Palestinians, then Israel, when it occupied Lebanon, became responsible in its turn for any crimes committed there.

NOTES

1) Surani is also a member of the PLO executive committee—Eds.
2) A more specific reference is found in the U.S. note of August 6: "We also reaffirm the assurances of the United States as regards the safety and security of the departing Palestinians and for the camps in Beirut." See appended "Document (D)" on page 149.

DOCUMENTS SUBMITTED BY WITNESS JAMAL SURANI

THE HABIB AGREEMENTS

A) U.S. OBSERVATIONS ON PREPARATIONS FOR DEPARTURE ARRANGEMENTS

1. Tunisia: While we have been informed that the Government of Tunisia is prepared to receive PLO personnel departing from Beirut, we have also been informed that a formal and official request from the PLO to the Government of Tunisia is necessary. The PLO should send a communication promptly to Tunis.

2. North Yemen: The Yemeni Arab Republic (North Yemen) has informed us that it has decided to accept only 500 evacuees. We are told that the PLO office in Sanaa has been notified of the decision as regards the figure 500 and also that all PLO personnel going to North Yemen must be Fatah members.

We have been further informed that the number of evacuees to be accepted (500) is exclusive of any Yemeni volunteers who may depart Beirut as part of the plan.

It will be important that the PLO communicate its needs and request to the North Yemeni authorities as quickly as possible. The plan is based on a total of 1,000 PLO personnel going to North Yemen. To cut the number to 500 will cause serious problems, which must be overcome. Is the PLO considering sending Yemeni volunteers as part of the total figure of 1,000 cited in previous communications from the PLO?

3. Wounded and Ill Palestinians: It is important that we—as well as the International Committee of the Red Cross (ICRC)—be informed as soon as possible of the number of wounded who would be transported by sea to Greece on the ICRC hospital ship, in accord with the offer from the Greek Government to take care of these people. It is necessary to know not only how many people are involved but when they would be ready for transport. In our view, this should take place on August [date illegible] at the latest.

If the PLO has other plans for sending the wounded and ill Palestinians elsewhere, we should be informed promptly. In this connection, we note that the Government of Egypt has offered medical facilities for them.

4. Other ICRC Involvement: Time is pressing and it is necessary to be informed immediately whether the strictly limited ICRC role in the transport by sea of other PLO personnel is desired by the PLO. We have made complicated arrangements in close cooperation with the ICRC to charter vessels and to have them ready in Beirut in accordance with a specific departure plan. ICRC cooperation has been invaluable so far in making these arrangements.

Now we need a decision from the PLO as to whether the limited role envisaged for the ICRC is desired. If so, the PLO should address an appropriate communication to the ICRC inviting that organization to assist in the departure of PLO personnel from Beirut.

5. Jordan as a destination: The Jordanian Government has informed us that they are prepared to process and screen the PLO combatants before they leave Beirut for Cyprus and then Jordan but they need an identification list of names beforehand. [several words illegible] 'Occupied Territories reported' has been in contact with the PLO office in Amman in an effort to obtain a list immediately. With that list, the Jordanians can inform the PLO of who will be acceptable to them. Otherwise, we may have a situation in which PLO personnel proceed to Cyprus by sea in the assumption that they will be received in Jordan, only to discover that in Cyprus this will not be possible. The Cyprus Government does not want to be put in a position where there are PLO personnel on the island with no place to go.

The Jordanian Government will need approximately 48 hours to screen the names. The Government will then confirm the names of those who are acceptable and will then send a small liaison team to Cyprus to assist in arrangements for onward air transport to Jordan.

For our part, we have been surprised at the number of 400 estimated by the PLO as going to Jordan and Iraq. We would like a breakdown of this figure, divided into the number going to Jordan and the number going to Iraq.

6. South Yemen: We have not yet been able to confirm that the South Yemeni Government is prepared to accept 1,000 PLO personnel. We, of course, have problems in communications because we do not have diplomatic relations with that country.

B) U.S. COMMENTS ON THE PALESTINIAN PROPOSED PLAN FOR THE DEPARTURE OF PALESTINIAN FORCES DATED 3 AUGUST 1982

1. Following are our initial and preliminary views on the Palestinian eleven points:

1. Concerning the ceasefire and the placing of international observers. COMMENT: We voted for the Security Council resolution calling for international observers as well as resolutions calling for a ceasefire. The problem of Israeli acquiescence in the employment of observers is still being discussed.

2. Concerning a definition of D-Day as a day on which the multinational force (MNF) arrives, when the Lebanese Army begins to take over appropriate positions, when Palestinian forces begin to assemble, etc. COMMENT: Israel has wanted the MNF to arrive at the end of the departure of Palestinian forces. The PLO wants the MNF to come to Beirut at the beginning of the departure period. We favor a compromise arrangement—at about D plus 5 to 7—when the departure is well underway.

3. Making the international route from Beirut to Damascus the overland route of departure. COMMENT: No problem.

4. Creating Lebanese-Palestinian-MNF liaison committees. COMMENT: We believe it would be preferable that there be a single point of liaison with the Palestinians. This should be the Lebanese Government and its designated representatives from within the Lebanese Army. Elements of the MNF would in turn make their own liaison arrangements with the Lebanese Government (Lebanese Army).

5. Concerning the view that the Palestinian forces could depart with their heavy weapons along with their individual arms. COMMENT: We are sure that the Israelis would not cooperate with the movement of crew-served and heavy weapons over that part of the Beirut-Damascus highway which they control. To assure the safety and efficiency of all departure arrangements—including possibly by air—it would be best that no heavy or crew-served weapons should be taken. These weapons, plus spare weapons and munitions of any size, should be turned over the Lebanese Army at the time of departure from Beirut.

6. Concerning the necessary minimum period of three weeks for the departure. COMMENT: We still do not understand why three weeks is necessary, compared to the two weeks or less we would suggest. We believe the shortest possible departure period would be the safest and the most reliable.

7. Concerning the responsibility of the Lebanese Government for taking steps necessary for the transport of the Palestinian forces. COMMENT: This gives us no problem. We have already been in touch with the Lebanese Government about practical arrangements. We need to know the numbers of people involved and their destinations to make necessary arrangements.

8. Concerning the desirability of a bilateral Lebanese-Palestinian agreement as regards the future of the Palestinian non-combatants in Lebanon, etc. COMMENT: This is a matter strictly for the Lebanese government to decide.

9. Concerning arrangements to permit the departure through the Port of Tripoli, and the airports of Koleiat and Rayah, for those Palestinians who cannot otherwise transit Syria. COMMENT: Since the Palestinians have now accepted the principle of departure by sea, it would be preferable to use the Port of Beirut rather than the Port of Tripoli. We can assure safety arrangements for the Port of Beirut. Departing from the two airports cited, as well as the Port of Tripoli, could cause unnecessary complications.

10. Regarding U.S. Government guarantees as regards security for the departing Palestinian forces along with the security of the camps. COMMENT: We will provide these guarantees.

11. Regarding the need to carry out Security Council resolutions 508, 509, 511 and 516. COMMENT: We voted for all these resolutions.
Regarding the schedule of D-Day. COMMENT: Some of our above comments apply, particularly the desirability of cutting the departure schedule to the minimum time possible.
2. Following are some questions and comments for which we would appreciate responses from the Palestinians:
(a) In our talks with the Syrians, we were assured that Syria would permit the transit without delay of Palestinian forces to other countries, such as Jordan. It could be desirable for the Palestinians to confirm this understanding with Syria.
(b) As-Sa'iqah is to be included among the departing Palestinian forces.
(c) We strongly believe that the PLO should get in touch independently with the governments of all receiving countries, including Syria, Iraq, Jordan, Egypt, and others. The PLO should begin immediately to make specific arrangements with these governments, involving numbers, those eligible, etc. We will continue our own efforts, of course. One government—Jordan—has already indicated a readiness to send representatives to Beirut to consult on the modalities with the PLO.
(d) We are surprised that the Palestinian paper did not mention the ICRC. We consider it desirable that the ICRC be involved in all departure arrangements, whether by land, sea or air. This constitutes an added assurance of safe passage.
(e) We wish to make it clear that the Palestinians covered in the departure arrangements include the PLO leadership, its offices, and all combatants.

C) U.S. COMMENTS ON THE AUGUST 4 PALESTINIAN POINT OF VIEW

1. With regard to a ceasefire, we agree that this will be essential. We will do our best to assure a ceasefire in place. There also will be UN observers to monitor the ceasefire under Security Council Resolution 516.
2. Concerning the Palestinian preference that there be troops in place from the MNF by D-Day, we understand that the French government is prepared to send troops from its MNF element on that day or such other day as is agreed upon. We understand the PLO has been informed of this French decision.
3. We are in agreement on liaison arrangements.
4. Concerning the Palestinian proposal to take the heavy weapons and munitions and turn them over to the Lebanese Army at the frontier, we will want to consult further with the Lebanese government. We do not believe it is a workable possibility, in part because we have been told there is total Israeli opposition to it.
5. Concerning the duration of the departure arrangements, we are in agreement.
6. We are in agreement about the offer of transport.
7. Regarding the future status of the non-combatant Palestinians, we are in agreement that this is for the Lebanese government to decide.
8. We are in agreement regarding sea departure from the Beirut area.
9. Concerning Palestinian talks with Arab host countries, we wish to make a correction to one of our comments in our August 3 paper. We said that we had been assured that "Syria would permit the transit without delay of Palestinian forces to other countries, such as Jordan. On the advice of our Ambassador in Damascus, who has had talks with the Syrians on these and similar subjects as recently as August 2, we now believe we do not have adequate assurances from the Syrians. We regret having provided inadvertently some wrong information. For the moment, we will not raise the issue again with the Syrians. When we have proceeded further on definite departure arrangements, the matter can be taken up with the Syrians. We have no objection if the Palestinians wish to do so with the Syrians at this time. In the absence of such Syrian agreement, we would suggest that the forces going to Jordan and Iraq can go by sea.

10. We appear to be in agreement on the Security Council resolutions and on U.S. assurances about the safety of the departing Palestinians and the camps.
11. With regard to the other comments made in the Palestinian paper of August 4, we note the Palestinian readiness to make constructive comments and to provide information. It would be appreciated if the Palestinians would provide generals Kuraytim and Tanios orally with further explanation about "military honor." We are in no way questioning the need for military honor, but an explanation will make it easier for us to understand the Palestinian preferences. We still believe there is a useful role for the International Committee of the Red Cross (ICRC).
12. As this paper is being prepared, we recognize the overriding necessity of reestablishing a ceasefire.
13. Points of Agreement:
(1) Ceasefire and UN observers—monitoring arrangements.
(2) Liaison arrangements, with the Lebanese Government (Lebanese Army) being the main point of contact with the Palestinians.
(3) Duration of departure arrangements to be approximately two weeks at most.
(4) Transport to be coordinated with the Lebanese Government.
(5) The Lebanese Government to decide as regards the future status of the non-combatant Palestinians.
(6) Possible sea departure from the Beirut area.
(7) Palestinian consultations with Arab governments.
(8) U.S. guarantees governing the safe passage of the departing Palestinian forces as well as the Palestinian camps.
(9) Syria is to accept the Sa'iqah.
(10) Making the international highway from Beirut to Damascus the overland route of departure.
(11) Palestinians covered in the departure arrangements include the PLO leadership, its offices, and all combatants.
14. It is our understanding that Syria will accept the Palestinian leaders and the offices (perhaps amounting to 1000 to 1200 people). In addition, Syria is to accept the Palestine Liberation Army (PLA) and Sa'iqah.

D) AMERICAN POINT OF VIEW ON PALESTINIAN VIEWS CONTAINED IN THEIR NOTE OF AUGUST 6, 1982

With regard to the Palestinian comments received on August 6, we wish to identify certain points which continue to require precise clarification and to reaffirm others. These are as follows:
1. In the exchanges which we have had to this point, there has been a difference in the definition of D-Day. In the Palestinian view, D-Day is the day before the departure of the first elements of the Palestinian forces. In the American papers, D-Day has been identified as the day on which initial Palestinian forces begin their departure. Because of the importance of this day in relation to the arrival of the first elements of the Multinational Force (MNF), we wish to come to agreement on exactly what will happen on D-Day. In our view, it is simpler to think of D-Day as the day on which the initial elements of the Palestinian forces begin their departure. Thus, the remaining question concerning the deployment of the MNF is whether first elements of this force should be deployed in their positions on D minus 1 or on D-Day itself. We suggest that the first elements of the MNF be deployed in the morning of D-Day, to be followed by the assembly and beginning of departure by the first elements of Palestinian forces later that day. We are presuming that these first departures will be by sea transport to Jordan and Iraq as mentioned in the Palestinian note of August 4.
2. We did not intend to specify precisely the number of Palestinians involved in the

leadership and offices as noted in paragraph 1–C of the Palestinian note. To our knowledge, the Syrians have agreed to receive the leadership and offices, which we have estimated to be in the range of 1,000 to 1,200, in addition to the PLA and Sa'iqah. As far as Sa'iqah is concerned, the Palestinian note of August 4 stated that Syria "accepts Sa'iqah." We presume that this and other arrangements relating to departure to Syria by various Palestinian units have been confirmed by you directly with the Syrian authorities.

3. In order to provide for the necessary transport and security arrangements, we now need to know precisely how many men will be moving on what schedule, by what route, and to what country. This is an urgent requirement if we are to plan efficiently.

4. We agree that it is necessary that there shall be a firm ceasefire. We also agree to seek to arrange for the deployment of international observers. The MNF will also be deployed in accordance with a schedule to be established.

5. If we achieve complete understanding with regard to the above elements and those previously discussed, we propose to prepare a final plan which will be transmitted for final approval to the Government of Lebanon, the PLO, and the Government of Israel on August 8, 1982.

6. We also reaffirm the assurances of the United States as regards the safety and security of the departing Palestinians and for the camps in Beirut.

7. We are now in agreement with regard to the disposition of heavy weapons and ammunition, as noted in the Palestinian note of August 6.

E) AMERICAN VIEW ON THE NEED FOR FURTHER COMMUNICATION BETWEEN THE PLO AND THE GOVERNMENT OF EGYPT (AUGUST 8, 1982)

1. We appreciate the fact that an emissary from the PLO in Washington had made plain to a variety of American contacts as well as Egyptian Embassy officers that the PLO was willing to leave Beirut without a "political bonus" of the kind that the Government of Egypt has been pressing upon the U.S. Our most recent contacts with Egyptian officials at a senior level indicated that, despite these efforts in Washington, the Egyptian Government may be hearing different things in different places from the PLO officials. If the PLO wanted to clarify the position, we were told, it should communicate directly with the Egyptian Government.

2. For the sake of reaching a solution to the present situation, the PLO should make an explicit request of the Egyptian Government that the Palestinians be accepted in Egypt in substantial numbers and also make it know to the Egyptian Government that the "political bonus" should not be linked to the present situation and that efforts to achieve that bonus could be deferred.

F) U.S. REQUIREMENT FOR INFORMATION (AUGUST 11, 1982)

1. We have a requirement for a Palestinian response to the following two matters.

2. First of all, the Israelis want the safe return of the Israeli pilot who was captured by the Palestinians. In addition, the Israelis wish to recover the bodies (remains) of nine (9) Israelis. Five of these Israelis are believed to have died in the present fighting; and four are believed to have died during the 1978 military action. The Israelis wish to have these bodies or information as to where they have been buried.

3. A second issue concerns the continuing need for a detailed list of people departing for various countries. The Jordanian government has been in touch with us to seek specific details. While we will remain in touch with the Jordanian government on this matter, the Palestinians should be aware of the kind of details Jordan wants. We want lists of names for all countries.

4. Following are extracts from an official Jordanian diplomatic note to our Ambassador in Amman:

> ". . . . This is a summary of the decision of the special Jordanian committee which has requested that these lists be ready enough in advance so that they can be examined in detail and that they be clear and precise in order that they can be screened. On this basis, the Ministry sets down the following points in order to organize this operation. The acceptance of the individuals who are the subject of the investigation will be given only on this basis. The points are summarized as follows:
>
> (1) The individuals of the Palestinian Liberation Army who departed Jordan for Beirut at the beginning of the fighting will return to Jordan by the same manner in which they departed, provided that the Jordanian Govenment is given a list of the names of those who will return.
>
> (2) Each Jordanian from elements of the Palestinian organizations who will be transferred from Beirut will be accepted if they have carried a valid Jordanian passport, regardless of whether or not this passport is still in effect or expired, provided the Jordanian Government is supplied in advance with the complete names, passport numbers, and dates of issuance in all cases.
>
> (3) The Jordanians who have lost their passports for any reason [will be accepted], provided that the Jordanian Government has been informed, at least one week in advance of the date of their acceptance, of the complete names of each, including first name, father's name, grandfather's name and family, if possible: plus the place and date of birth, former residence in Jordan, and any other details necessary to determine his identity or any names or references in Jordan which can be used to verify his true identity.
>
> (4) No person will be accepted to whom the conditions and specifications appearing above do not apply; his entry to Jordan will be refused. Also, every person will be refused for whom the Jordanian Government is not supplied with clear details which aid in determining his identity or his former social status in Jordan in the cases where documents and information which previously have indicated it are unavailable."

G) U.S. POSITION AS REGARDS THE PALESTINIAN REMARKS CONTAINED IN THE NOTE OF AUGUST 13, 1982

1. Prisoners and Remains: We have taken note of the PLO position that the International Committee of the Red Cross (ICRC) is already involved in negotiations concerning the captured Israeli pilot and the nine bodies. We believe the ICRC is the proper organization to handle any negotiations on matters involving prisoners and bodies (remains). The Israelis have told us, however, that they wish to clear up this question in advance of the departure of the Palestinians from Beirut.

2. Detailed Lists: We have taken note of the Palestinian position. We may have something further to say about this matter later, but not today.

3. Information Required by Jordan: We appreciate the PLO commitment to provide the Jordanian Government with the information it needs.

4. Evacuation of the Wounded and Ill: We agree that evacuation of the wounded and ill should be arranged by the Palestinians with the ICRC. We are ready to be helpful and also will effect coordination with the ICRC. We have taken note of the Palestinian statement that the Greek Government is prepared to receive the wounded people. We presume evacuation will be by sea.

5. D-Day: We have taken note of the PLO position as regards D-Day and the arrival of initial elements of the Multinational Force (MNF). This matter will require further consideration and discussion.

6. Those Forces Going to Syria: We appreciate the fact that the Palestinians are ready to commence movement towards Syria at an early stage. According to the schedule attached to the Palestinian note of August 13, these would include some 2900 Palestinians. We wish to clarify our position. We believe that the Syrian army elements in the Arab Deterrent Force (ADF) as well as Palestinian or other military units under the jurisdiction of the ADF or the Syrians should also redeploy from Beirut during the 14-day departure period for the Palestinian forces. The PLO has already made the point in earlier notes that Syria's withdrawal is a matter between the Syrian and Lebanese authorities. We agree, but still want to make the point that, with agreement between the two countries, the Syrian and Syrian-controlled forces should leave Beirut at the same time as the mass of Palestinians.

7. The Number of Palestinian Combatants: We presume that the intent of the PLO remarks is that all Palestinian combatants would leave Beirut under the agreed schedule. It is important in our opinion that the PLO leadership do its best to ensure that all combatants leave, since otherwise this could be a source of trouble and complications later.

8. Countries of Destination: We have taken note of the countries of destination listed in paragraph 8 of the PLO note.

9. Schedule of Departures: We have taken note of the schedule attached to the August 13 PLO paper. We may have some suggestions to offer later.

H) NOTE FROM P. HABIB TO PRIME MINISTER OF LEBANON

EMBASSY OF THE
UNITED STATES OF AMERICA
Beirut, Lebanon

August 18, 1982

Dear Mr. Prime Minister:

In connection with our recent conversations, I wish to assure you that the United States Government has held, and will continue to hold, a strong interest and concern for the fate of and the treatment of Lebanese and Palestinian prisoners being held by Israeli forces in connection with their operations in Lebanon, and for full respect for all applicable international obligations.

The United States Government will continue to discuss with the Government of Israel the conditions under which such persons are detained, reflecting the view of the United States Government that they should be accorded the most reasonable, humane and orderly treatment possible under the circumstances. They should be dealt with in a manner consistent with international obligations and should be treated in a way which respects humanitarian considerations.

Respectfully,
(signature omitted)
Philip C. Habib
Emissary of the President
of the United States of America

His Excellency Shafiq al-Wazzan
Prime Minister
Republic of Lebanon

I) PLAN FOR THE DEPARTURE FROM LEBANON OF THE PLO LEADERSHIP, OFFICES, AND COMBATANTS IN BEIRUT (August 18, 1982)

1. Basic Concept: All the PLO leadership, offices, and combatants in Beirut will leave Lebanon peacefully for prearranged destinations in other countries, in accord with the departure schedules and arrangements set out in this plan. The basic concept in this plan is consistent with the objective of the Government of Lebanon that all foreign military forces withdraw from Lebanon.

2. Ceasefire: A ceasefire in place will be scrupulously observed by all in Lebanon.

3. UN Observers: In accord with UN Security Council Resolution 516, UN Observer Group Lebanon (OGL) will be in the Beirut area throughout the departure period.

4. Safeguards: Military forces present in Lebanon—whether Lebanese, Israeli, Syrian or any other—will in no way interfere with the safe, secure, and timely departure of the PLO leadership, offices, and combatants. Law-abiding Palestinian noncombatants left behind in Beirut, including the families of those who have departed, will be subject to Lebanese laws and regulations. The Governments of Lebanon (GOL) and the United States (US) will provide appropriate guarantees of safety in the following ways:

—The Lebanese Government will provide its guarantees on the basis of having secured assurances from armed groups with which it has been in touch.

—The United States will provide its guarantees on the basis of assurances received from the Government of Israel (GOI) and from the leadership of certain Lebanese groups with which it has been in touch.

5. "Departure-Day" is defined as the day on which advance elements in the Multi-National Force (MNF) deploy in the Beirut area, in accordance with arrangements worked out in advance among all concerned, and on which the initial group or groups of PLO personnel commence departure from Beirut in accord with the planned schedule (attached).

6. The Multi-National Force (MNF): A temporary Multi-National Force (MNF), composed of units from France, Italy and the U.S., will have been formed—at the request of the GOL—to assist the Lebanese Armed Forces (LAF) in carrying out their responsibilities in this operation. The LAF will assure the departure from Lebanon of the PLO leadership, offices, and combatants, from whatever organization in Beirut, in a manner which will:

(a) assure the safety of such departing PLO personnel;
(b) assure the safety of other persons in the Beirut area; and
(c) further the restoration of the sovereignty and authority of the GOL over the Beirut area.

7. Schedule of Departures and Other Arrangements: The attached schedule of departures is subject to revision as may be necessary because of logistical requirements and because of any necessary shift in the setting of Departure-Day. Details concerning the schedule will be forwarded to the Israeli Defense Forces (IDF) through the Liaison and Coordination Committee. Places of assembly for the departing personnel will be identified by agreement between the GOL and the PLO. The PLO will be in touch with governments receiving personnel to coordinate arrival and other arrangements there. If assistance is required, the PLO should notify the Government of Lebanon.

8. MNF Mandate: In the event that the departure from Lebanon of the PLO personnel referred to above does not take place in accord with the agreed and predetermined schedule, the mandate of the MNF will terminate immediately and all MNF personnel will leave Lebanon forthwith.

9. Duration of MNF: It will be mutually agreed between the GOL and the governments contributing forces to the MNF that the forces of the MNF will depart Lebanon not later than 30 days after arrival, or sooner at the request of the Government of Lebanon or at the direction of the individual government concerned, or in accord with the termination of the mandate of the MNF provided for above.

10. The PLO leadership will be responsible for the organization and management of the

assembly and the final departure of PLO personnel, from beginning to end, at which time the leaders also will all be gone. Departure arrangements will be coordinated so that departures from Beirut take place at a steady pace, day-by-day.

11. LAF Contribution: The Lebanese Army will contribute between seven and eight army battalions to the operation, consisting of between 2500–3500 men. The Internal Security Force (ISF) will contribute men and assistance as needed.

12. ICRC: The International Committee of the Red Cross (ICRC) will be able to assist the GOL and LAF in various ways, including in the organization and management of the evacuation of wounded and ill Palestinian and Syrian personnel to appropriate destinations and in assisting in the chartering and movement of commercial vessels for use in departure by sea to other countries. The Liaison and Coordination Committee will ensure that there will be proper coordination with any ICRC activities in this respect.

13. Departure by Air: While present plans call for departure by sea and land, departures by air are not foreclosed.

14. Liaison and Coordination:

—The LAF will be the primary point of contact for liaison with the PLO as well as with other armed groups, and will provide necessary information.

—The LAF and MNF will have formed prior to Departure-Day a Liaison and Coordination Committee, composed of representatives of the MNF participating governments and the LAF. The committee will carry out close and effective liaison with, and provide continuous and detailed information to, the Israeli Defense Forces (IDF). On behalf of the committee, the LAF will continue to carry out close and effective liaison with the PLO, and other armed groups in the Beirut area. For convenience, the Liaison and Coordination Committee will have two essential components:

(a) supervisory liaison, and

(b) military and technical liaison and coordination.

—The Liaison and Coordination Committee will act collectively; however, it may designate one or more of its members for primary liaison contact who would of course act on behalf of all.

—Liaison arrangements and consultations will be conducted in such a way as to minimize misunderstandings and to forestall difficulties. Appropriate means of communications between the committee and other groups will be developed for this purpose.

—The Liaison and Coordination Committee will continually monitor and keep all concerned currently informed regarding the implementation of the plan, including any revisions to the departure schedule as may be necessary because of logistical requirements.

15. Duration of Departure: The departure period shall be as short as possible and, in any event, no longer than two weeks.

16. Transit through Lebanon: As part of any departure arrangement, all movements of convoys carrying PLO personnel must be conducted in daylight hours. When moving overland from Beirut to Syria, the convoys should cross the border into Syria with no stop en route. In those instances when convoys of departing PLO personnel pass through IDF positions, whether in the Beirut area or elsewhere in Lebanon, the IDF will clear the route for the temporary period in which the convoy is running. Similar steps will be taken by other armed groups located in the area of the route convoy will take.

17. Arms Carried by PLO Personnel: On their departure, PLO personnel will be allowed to carry with them one individual side weapon (pistol, rifle, or submachine gun) and ammunition.

18. Heavy and Spare Weaponry, and Munitions: The PLO will turn over to the LAF as gifts all remaining weaponry in their possession, including heavy, crew-served, and spare weaponry and equipment, along with all munitions, left behind in the Beirut area. The LAF may seek the assistance of elements of the MNF in securing and disposing of the military equipment. The PLO will assist the LAF by providing, prior to their departure, full and detailed information as to the location of this military equipment.

19. Mines and Booby Traps: The PLO and the Arab Deterrent Force (ADF) will provide to

the LAF and the MNF (through the LAF) full and detailed information on the location of mines and booby traps.

20. Movement of PLO Leadership: Arrangements will be made so that departing PLO personnel will be accompanied by a proportionate share of the military and political leadership throughout all stages of the departure operation.

21. Turnover of Prisoners and Remains: The PLO will, through the ICRC, turn over to the IDF all Israeli nationals whom they have taken in custody and the remains, or full and detailed information about the location of the remains, of all Israeli soldiers who have fallen. The PLO will also turn over to the LAF all other prisoners whom they have taken in custody and the remains, or full and detailed information about the location of the remains, of all other soldiers who have fallen. All arrangements for such turnovers shall be worked out with the ICRC as required prior to Departure-Day.

22. Syrian Military Forces: It is noted that arrangements have been made between the Governments of Lebanon and Syria for the deployment of all military personnel of the Arab Deterrent Force (ADF) from Beirut during the departure period. These forces will be allowed to take their equipment with them, except for that—under mutual agreement between the two governments—which is turned over to the LAF. All elements of the Palestine Liberation Army (PLA), whether or not they now or in the past have been attached to the ADF, will withdraw from Lebanon.

J) NOTE FROM P. HABIB TO PRIME MINISTER OF LEBANON

EMBASSY OF THE
UNITED STATES OF AMERICA
Beirut, Lebanon

August 19, 1982

Dear Mr. Prime Minister:

With reference to our many discussions about the need for assurances regarding the safe and secure departure of the PLO leadership, offices and combatants from Beirut, I am pleased to inform you that the Government of Israel has assured the United States Government that the plan for the departure of the PLO acceptable and that the Government of Israel will not prevent or impair its implementation.

On the basis of these assurances, the United States Government is confident that the Government of Israel will not interfere with the implementation of this plan for the departure from Lebanon of the PLO leadership, offices and combatants in Beirut in a manner which will:

(A) assure the safety of such departing personnel;
(B) assure the safety of other persons in the area; and
(C) further the restoration of the sovereignty and authority of the Government of Lebanon over the Beirut area.

His Excellency
Shafiq al-Wazzan
President of the Council of
Ministers Republic of Lebanon

I would also like to assure you that the United States Government fully recognizes the importance of these assurances from the Government of Israel and that my Government will do its utmost to ensure that those assurances are scrupulously observed.

Respectfully,
(signature omitted)
Philip C. Habib
Emissary of the President
of the United States of America

K) SHIPPING ARRANGEMENTS

Tentative shipping arrangements are as follows:
1. Jordan and Iraq. The *Aphrodite* (Green flag, capacity—400 passengers) will arrive at Beirut Port on August 21. It will carry PLO combatants going to Iraq and Jordan to Cyprus for onward transportation by air.
2. Tunisia. The *Alkyon* (Greek flag, capacity—1,150 passengers) will arrive at Beirut Port on August 21 or 22. It will depart for Tunisia on August 23.
3. North Yemen and South Yemen. The *Sol Express* (Cypriot flag, capacity—2,500 passengers) is tentatively scheduled to arrive at Beirut Port on August 23. We are considering the possibility of taking PLO combatants for both North and South Yemen aboard the same vessel.
The shipping companies are making all arrangements for meals and other necessary services while aboard ship.

L) SCHEDULE OF DEPARTURES

ANNEX

August 21, 1982–Departure Day
—The advance elements of the MNF (approximately 350 men) land at the Port of Beirut at about 0500 and deploy in the Beirut Port area in preparation for the initial departures of PLO groups by sea.
—Meanwhile, the LAF deploys to previously agreed positions in the Beirut area, primarily in the so-called demarcation line area, to assist in the departure of PLO personnel. The LAF will take over positions occupied by the PLO.
—The PLO will ensure that National Movement (NM) forces which had occupied these positions jointly with the PLO shall also withdraw.
—As the day proceeds, the LAF will take up such other positions as necessary to assist in the departure of PLO personnel.
—Meanwhile, the initial group of PLO personnel assemble in preparation for departure by sea later in the day (or on August 22). The vessel or vessels to be used for this purpose will arrive at pier on August 21.
—The initial groups could include the wounded and ill, who would be transported in accordance with agreed arrangements—by sea or land, or both—to their destinations in other countries.
—The initial group or groups of PLO personnel destined for Jordan and Iraq would move from their assembly point to the waiting commercial vessel or vessels for onward transport by sea.
August 22:
—All groups destined for Jordan or Iraq will have boarded ship and will have sailed from Beirut.
—Duplicating the model followed on August 21, PLO groups destined for Tunisia assemble and move to the Port of Beirut for departure by sea.
August 23:
— All PLO personnel destined for Tunisia complete their assembly and embark on commercial vessel for Tunisia.
—PLO personnel destined for South Yemen assemble and move to a vessel for departure then or on August 24.
August 24–25:
—Assembly and departure by sea of PLO personnel destined for North Yemen.
August 25:
—Provided that satisfactory logistical arrangements have been completed, the initial groups

of PLO personnel destined for Syria assemble and move overland via the Beirut-Damascus highway to Syria.
—The advance French elements of the MNF already in the Port area will have taken up such other agreed positions on the land route in the Beirut area as necessary to assist in the overland departure of the PLO personnel for Syria.
—The LAF joins with the French in occupying such positions.
—(If it should be agreed that these initial groups should go by sea to Syria rather than by land, this departure schedule also is subject to amendment to assure that logistical requirements are met.)
August 26–28 (approximately):
—The remaining forces of the MNF (from the U.S., France and Italy) arrive in the Beirut area and deploy to agreed locations as determined through the Liaison and Coordination Committee. This movement may be accompanied by the transfer of the advance French elements previously in the Port area and elsewhere to other locations in the Beirut area.
August 26–27–28:
—PLO groups destined for Syria continue to move—by land or sea—to Syria.
August 22–September 4:
—Turnover to the LAF of PLO weaponry, military equipment, and ammunition in a continuing and orderly fashion.
August 29–30–31:
—Redeployment out of Beirut of the Syrian elements of the ADF.
September 1–4:
—Completion of the departure to Syria—by land or sea—of all PLO or PLA personnel destined for Syria.
September 2–3:
—Assembly and departure by sea of all PLO personnel destined for the Sudan.
—Assembly and movement by sea of all PLO personnel destined for Algeria.
September 4–21:
—The MNF assists the LAF in arrangements, as may be agreed between governments concerned, to ensure good and lasting security throughout the area of operation.
September 21–26:
—Departure of MNF.

M) U.S. OBSERVATIONS ON THE DEPARTURE OF PLO PERSONNEL FOR JORDAN AND IRAQ—AUGUST 21

1. We appreciate the information provided by the PLO regarding the numbers of personnel which will be accepted at various destinations.
2. The Government of Greece has agreed to provide five Greek military officers to accompany departing personnel on the journey from Beirut to Larnaca. These officers plan to meet the *Sol Georgius* when it docks this morning at 0900 and will make appropriate efforts to facilitate embarkation procedures prior to departure.
3. The PLO is familiar with the terms under which departing personnel will be received by the Government of Jordan. It should be understood that any personnel departing Beirut on the *Sol Georgius* who do not go on to Amman will go to Iraq.
4. In boarding the *Sol Georgius*, it is essential that weapons and ammunition are not secured in the same containers. It is understood that all crates of weapons will accompany PLO personnel when they fly from Larnaca to their destinations. The crates of ammunition may have to be handled differently, however, because of strong airline concerns about transporting live ammunition in passenger aircraft.
5. The package plan provided to the PLO on 18 August has now had the following final revision:
Paragraph three now reads: "UN Observers: the UN Observer Group stationed in the Beirut area will continue its functioning in that area."

6. Attached for information is a scenario of the movement of PLO personnel to Jordan and Iraq. Also attached is our most current information on the arrivals/departures of ships which will assist in the departure of PLO personnel for Jordan, Iraq, Tunisia, South Yemen and North Yemen.

Scenario for the Movement of PLO Personnel to Jordan and Iraq

Saturday, August 21

0900 The *Sol Georgius* docks at Basin 2, Dock 5.

1100 PLO personnel begin arriving at the port.
Departure processing begins at once, along with securing of individual weapons and ammunition.

The *Sol Georgius* will sail for Larnaca immediately processing is completed and all personnel are aboard. It is hoped that this can be accomplished by 1400.

Two Naval Destroyers of the U.S. Sixth Fleet will escort the *Sol Georgius* from the limit of Lebanese territorial waters to the limit of Cypriot territorial waters.

Sunday, August 22

Morning Cypriot authorities are taking the responsibility for moving PLO personnel from the ship to the airport, together with individual weapons and ammunition, which will remain secured.
Two aircraft have been engaged to carry PLO personnel on to their destinations:
—A Boeing 747 to take 265 personnel to Amman.
—A Boeing 707 to take 135 personnel to Baghdad.

Ship Arrivals/Departures

(Best available information as of 2300/20 August)

Sol Georgius		Anchor	1800/20 August
Capacity:	400	Dock	0900/21 August
Flag:	Cyprus	Sail	PM/21 August (Cyprus)
*Alkyon**		Anchor	PM/22 August
Capacity:	700	Dock	PM/22 August
Flag:	Greek	Sail	PM/22 August (Tunis)
Sol	**	Anchor	PM/22 August
Capacity:	1000	Dock	0900/23 August
Flag:	Cyprus	Sail	PM/23 August (South Yemen)
Sol	**	Anchor	PM/23 August
Capacity:	1000	Dock	0900/24 August
Flag:	Cyprus	Sali	PM/24 August (North Yemen)

* The capacity and arrival time of this ship is not considered satisfactory. Efforts are being made to find a more suitable replacement.

** There are two ships booked for the trip to the Yemens, the *Sol Express* and the *Sol Phrye*. We have not yet been told which will go to what country. We do not believe this is important; for our purposes, these ships are interchangeable.

N) NOTE FROM MORRIS DRAPER TO GENERAL KURAYTIM

EMBASSY OF THE
UNITED STATES OF AMERICA
Beirut

August 22, 1982

Dear General Kuraytim:

Please inform the PLO that we have had difficulties in chartering all the vessels needed for evacuation to South Yemen on Monday, August 23. We are in touch with the Greek Ambassador who is trying to be helpful.

The SS *Alkyon* will arrive in harbor as planned in the morning of Monday, August 23. Although it has a capacity of 1,000—ranging from first class through deck passage—we have decided it would be best to take no more than 700 passengers. Consequently, we will plan on sending the 300 remaining passengers to South Yemen on Tuesday, August 24, or Wednesday, August 25, or as soon as the additional vessel is available.

We regret this unexpected development and will continue to do our best.

Morris Draper

O) U.S. NOTES

(22 August 1982)

1. We have just learned that the Government of North Yemen informed our Ambassador in Sanaa that it intends to stand by its promise to receive PLO personnel. The Government observed, however, that it had not heard from the PLO in a long time.
2. It appears likely that the *Alkyon* will not be able to carry all the PLO personnel departing for Tunis on August 23. Arrangements are therefore being made for a second vessel which would dock, embark passengers, and depart at the same times as the *Alkyon*. We will pass along the full particulars of this second vessel as soon as we have them, probably during the course of today.
3. An advisor to King Hassan of Morocco has informed our Embassy there that King Hassan would like Chairman Arafat to telephone him as "a matter of urgency." The numbers are (07) 33438 or (07) 33439.
4. We have just been informed that the Government of the Sudan has decided to receive an additional 400 PLO personnel, for a total of 1000.

P) U.S. NOTES

(August 23, 1982)

1. We confirm that the *Nereus*, scheduled to arrive at 1200, Wednesday, August 25, will take 500 people to North Yemen. We expect to provide new information about a vessel or vessels to take the remaining 500 to North Yemen.
2. We have been informed that the PLO would be ready to send all its personnel destined for Syria via ships from Beirut to Latakia. We understand further that the Greek Government may be able to charter a vessel or vessels which it owns to deal with this travel. We are prepared to cooperate fully in this arrangement, but would appreciate confirmation that this is also the PLO desire.

3. We have also been informed that the total of PLO personnel to be sent to various destinations will now total 7,850. We would appreciate confirmation that this is a fact, for we will need to determine the countries of destination for what may be additional people.
4. We have just been informed that the PLO office in Algiers has still not received details concerning the PLO contingent going to Algeria from Beirut. As details are firmed up, we will provide to the Government of Algeria the information on the numbers of people, the name of the ship, the estimated time of arrival in Algiers, etc. However, it might be desirable for the PLO to send a message to its office in Algiers saying more information is on the way.
5. We are still carrying on discussions with the Israelis about having the PLO take vehicles, about equipment that can be taken, and about RPGs. At this moment, we have no more to communicate.

Q) U.S. NOTE

(August 24, 1982)

We have been advised by our Embassy in Cairo that PLO personnel aboard the *Alkyon* (now passing through the Suez Canal) have complained that the ship lacks adequate facilities for the care of wounded personnel. We also understand that difficulties were encountered treating wounded personnel aboard the *Phrygin* and the *Sol Georgius*.

None of the vessels being used for the departure of PLO personnel from Beirut are equipped for the care or treatment of wounded personnel. Special arrangements will be made for the evacuation of sick and wounded persons, principally by the ICRC. It is our view that sick or wounded personnel should take advantage of such special arrangements, and should not attempt to depart on vessels not equipped to care properly for them.

R) U.S. NOTE

(August 24, 1982)

The United States Government wishes to respond to the message received Monday, August 23 regarding David Dodge, the Acting President of AUB.

We wish to inform those who are holding Mr. Dodge that both the Lebanese Government and the U.S. Government are assured that Muhsin Mussawi and three of his associates are not being held by the Kata'ib Party. It is not known to us by whom these four men are being held. Therefore, we appeal to those holding Mr. Dodge to release him unharmed as a humanitarian gesture to a man who has spent his life in this area of the world and has always taken an active interest in the welfare of its peoples.

S) U.S. NOTES WITH REGARD TO THE PLO PROPOSAL

(August 25, 1982)

1. As regards the travel of Chairman Arafat, we believe that the best arrangement is for him to leave Beirut on Monday, August 30, through either of two ways:

A Greek commercial vessel would pick him up, along with 60 companions, to take him to Piraeus, the Port of Athens.

A French commercial vessel would pick him and 60 companions and take him to Larnaca, Cyprus, from where he could travel by air.

2. In any event, we have been informed that there would be a naval escort provided by either the Greeks or the French.

3. The assurances of safe passage which we have provided apply to the Chairman's travel as well.

The Aftermath

Nagakura Hiromi
Japanese Photo-Journalist

From September 7 to 17, I covered events at the refugee camps near Damascus, Syria. I also wanted to see Beirut after the evacuation of the Palestine Liberation Organization, as well as Israel and the West Bank, so I left Damascus on Friday the 17th for Barr Elyas in the Biqa' valley, where a Palestine Red Crescent Society hospital is located. After observing activities in the hospital, on the following day, Saturday the 18th, I visited the refugee camps at Baalbek, the main city in the Biqa' valley. Following the Israeli invasion of Lebanon, tens of thousands of Palestinians fled to the Biqa' and Syria, and I was anxious to get their story.

I visited the Anjar refugee camp, which also had a PRCS hospital. It sheltered about 9,000 refugees, plus an additional 6,000 who arrived as a result of the invasion. Many more could not be accommodated in the camps and were sheltered in tents set up in parks and open spaces outside the city. After visiting the Anjar camp, I proceeded to the park with an English-speaking guide from the International Committee of the Red Cross to interview the refugees there.

As we approached the tents, I was confronted by a puzzling sight. In the center of a crowd, several women were sitting on the ground, some screaming, others wailing desperately. Their hair was disheveled, and their clothes were torn and had clumps of earth stuck to them. The camp inhabitants surrounded them anxiously. The women were crying frantically, "Kata'ib,* Israeli," and pounding the ground with their fists. Through the interpreter, I learned that they were recounting a massacre that had occurred at the Shatila camp in Beirut between 4 and 6 A.M. that morning [the 18th]. Their husbands

*See Note 3) on p. 25.

and children had all been slaughtered. An old woman was describing how she had been beaten on the head by a Kata'ib, or Phalangist. Her head was severely injured, she had lost a lot of hair and blood was encrusted on her jaw. She had many wounds on her body as well, and her clothes were torn. The women told me that their jewelry, money, and even blankets had been plundered. They were crying, exclaiming that they didn't know what to do now that their husbands and children were all dead. One woman said she saw as many as 35 people killed around her, 15 of them children. Another saw 20.

The women were so distressed that I could not piece together a clear picture of what had happened from their story. They reported that those surviving the massacre had been taken north by the Phalangists to an area near Tripoli, where still more were killed. The rest were simply abandoned and later somehow managed to flee to Baalbek. The women also said that when the Phalangists suddenly appeared in the camp and began the slaughter, Israeli soldiers were next to them, although they did not actually take part in the murders. They further related that the Kata'ib went about the killing, screaming, "Gemayel, our God, is dead. There's no more God." We were shown pictures of two boys, nine- and ten-years old who had been killed. Most of the victims seemed to be men and boys over the age of eight.

Afterward, I returned to the hospital at Barr Elyas. On the way, at around 4 P.M. on Saturday the 18th, I heard the BBC announce the massacre over the radio, saying that hundreds had been killed. Very shocked and worried, I hurried to Beirut the next day, Sunday the 19th. I entered from East Beirut, which was under the control of the Christian Phalange. It took me nearly an hour to get through all the checkpoints and roadblocks lining the way from East to West Beirut. I could see huge Merkava tanks rumbling away as I neared the camp. I was to find out later that the Israeli army was replacing its troops with Lebanese forces as it became increasingly apprehensive about mounting criticism of the massacres abroad. They knew that if they continued their siege of the camp they would be held responsible. I was informed that until then, Israeli soldiers had closed off the Sabra and Shatila camps, ringing them with guns. Lebanese were made to do the direct checking themselves, while the Israelis kept close watch over them from about 10 meters behind, as if they didn't trust them. To guard the camps, the Israeli troops stationed their tanks around the perimeter, smashing through shop entrances and private houses to improve their positions. I tried each of the 20-odd entrances to the

camp, pleading to be let in, but in vain. The Lebanese forces seemed very tense and worried, probably because they knew that word of the atrocities had leaked out.

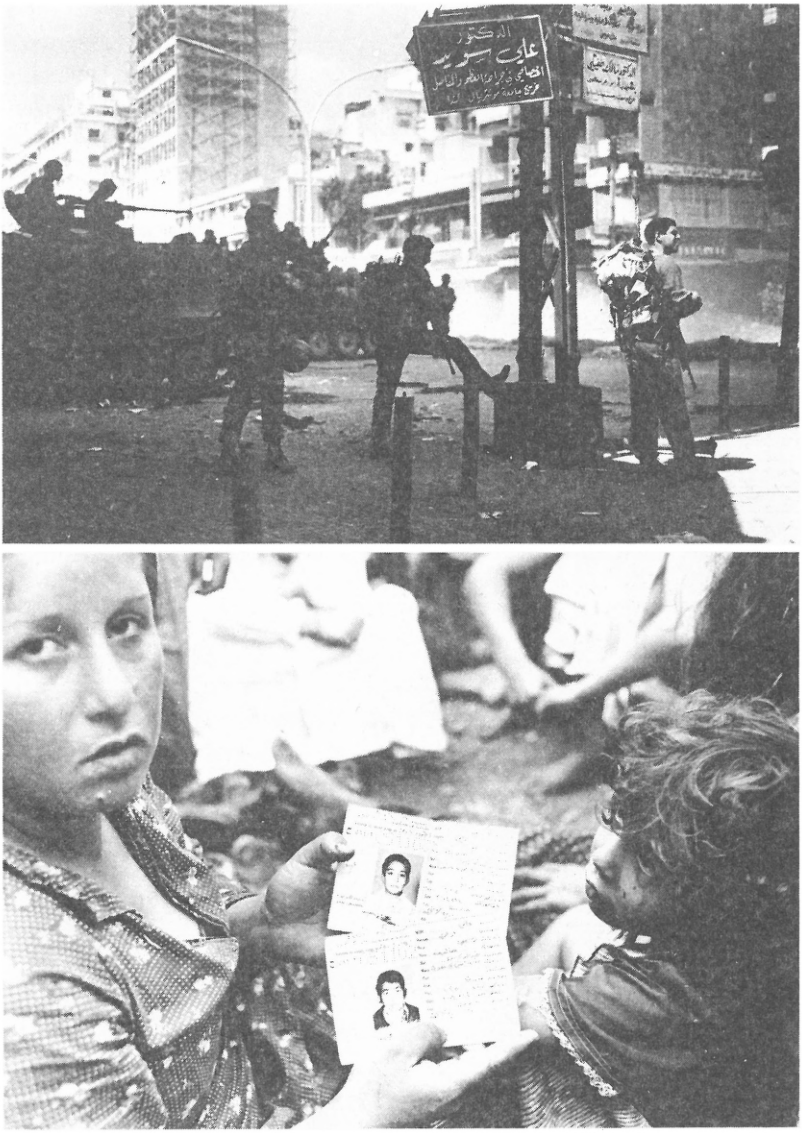
In the early morning of the following day, Monday the 20th, I returned to the camp. The Lebanese blockade had been tight the day before but now appeared to have slackened off somewhat. So, hiding my camera, I entered the Sabra camp and proceeded toward Gaza Hospital. On a visit there two years before, the streets had been full of hustle and bustle, and I remember the brisk, lively business conducted in the bazaar. This time the streets were deserted. Most of the houses lay in total ruin as a result of the bombardments.

As I continued past Gaza Hospital I caught sight of a woman with swollen eyes and a vacant look on her face. Intuitively I felt that her family must have been massacred. Seeing me produce a camera, she took my hand and led me along to show me what had taken place there. She pointed to a corpse buried in the ruins, or rather to a jeans-clad leg protruding from the rubble. The arm of another corpse was just visible among the broken bricks and stone. I learned later that the Phalangists had bulldozed the area to entomb the bodies in rubble and debris. Another body she pointed at had a grenade sitting on its stomach; it was set to explode the moment anyone tried to move the body. Taking my arm, she led me down a small alley lined with several bodies which were covered by blankets. The houses emitted a terrible smell, and outside one of them, I saw thousands of maggots swarming. The area was drenched in blood. She picked up an identity card and showed it to me. It belonged to a ten-year-old boy, now dead.

In front of one house, I saw locks of hair, a discarded shoe, and blood stains on the ground—evidence that someone had been dragged away. The interiors of the houses were a shambles; everything was overturned and ripped apart. Going back into the street and walking a little further, I encountered two women, their noses buried in handkerchieves. I walked toward them, to an open space at the end of the camp. As I drew closer, I noticed medical volunteers wearing gas masks attentively spraying something. I then saw about 60 corpses laid out in a row, covered with either blankets or vinyl sheets. Under the scorching sun the stench was revolting.

People who had managed to escape the Phalangists were now gradually returning to the camp hoping it was all over. They were going from body to body, not even covering their noses to avoid the smell, lifting up the blankets in a desperate search for family

The old woman was among a group of four women kidnapped by the militia and abandoned near Tripoli in the north of Lebanon. They had all been beaten and seen the other members of their families killed before their eyes. The younger women were then raped.



upper The Israeli army in Beirut

bottom A mother showing the identity cards of her two sons massacred at Shatila camp: Ali and Muhsen Mir'i, 10 and 9 years old. The Lebanese authorities issuing the cards indicated the Palestinian boys' nationality by the words "Under consideration."

A woman returning to the scene of the massacre.

members. One man, seeing me taking pictures, lifted a blanket to reveal a child of about three or four. In an indignant voice, he cried, "Take his picture! Please tell the world!" I saw pregnant women and elderly men among the corpses. The Lebanese soldiers eventually came over to stop me from taking photographs. This made the Palestinians furious, and they shouted at the soldiers, "Why are you stopping him? Why do you keep him from telling the world what has happened?" I think they were angry that the Lebanese army had done nothing to try to prevent the massacre. They wanted desperately to tell the world what had taken place and advised me to hide the film in my socks to get it safely out of the camp.

I left the camp for that day, afraid the film might be confiscated. That afternoon, as I passed by Sabra and Shatila again, I saw lines of cars leaving the camps, their horns blaring. The cars were loaded with household belongings and terror-stricken people desperately trying to get away. Barefoot children were running alongside, and old men stumbled along after them with canes. Something else must have happened. I tried to ask someone what was going on, but the people were too busy trying to get away. As one man fled, he shouted, "Haddad's men have come back. They're killing people again." Terrified, I entered the camp. In the fleeing crowd, one old man collapsed exhausted on the ground. But about ten minutes later, the Lebanese army announced that the report of fresh killing was a false rumor; Haddad's men were not engaged in another massacre. I think it's very likely that Haddad's soldiers or the Phalangists had returned to the camp just to threaten people.

The previous witness, Mr. Hirokawa, said that he saw units of Haddad's army inside Beirut. I also caught sight of them about 20 kilometers outside the city. As I watched the mad panic in which refugees were fleeing the camp, it occured to me that this was the real intention of Israel and Haddad. They wanted to instill fear. By having the Phalangists kill a few people, they could get those remaining in the camps out of the area, out of Lebanon, and into Syria or somewhere else. I think that is the real reason behind the Sabra-Shatila massacres. The Phalangists, lusting for revenge, were just being used.

Having recorded these events, I moved into Israel through south Lebanon. I wanted to get the responses of people in the West Bank to the massacre. I arrived in Jerusalem that same day (20th). Normally the streets there are packed with local people and tourists, but now all the shops were closed, their shutters tightly secured. I learned that

a three-day general strike was in progress to protest against the massacre. When I visited Nablus and Hebron, I found the same thing. I even witnessed an Israeli soldier forcing a shop to open up at rifle point. On the third day of the strike, shopowners were told they would lose their business licenses if they refused to open up. But despite such threats, most of the stores remained shut.

I then visited a Palestinian who runs an antique shop, a man I had visited once before. He asked me about the Israeli massacre in Lebanon. As I described what had happened, he became increasingly upset, as did everyone I recounted my experiences to. I could feel in the Palestinians living in Israel a deep, abiding sorrow for their own people. I learned from a Swiss tourist who had just been to Nazareth that there and in Haifa people had staged illegal demonstrations. There had been major clashes with the authorities, particularly in Nazareth, where Israeli soldiers had shot at demonstrators, injuring more than 50 people. Journalists were not allowed in. The Israeli soldiers had closed off the roads and press censorship had been imposed.

Around that time (September 25), a mass demonstration was organized in Tel Aviv in which 400,000 people participated. I saw the march, with placards reading "Withdraw from Beirut!" and "Begin resign!" But my impression was that a majority of people believed that the invasion of southern Lebanon was necessary to protect their lifeline. These events, they felt, could not be entirely helped. Those calling for withdrawal from the West Bank and other occupied areas numbered only about 3,000. Talking to several demonstrators, I felt that most of them were taking part only because they feared that Israel would be condemned by the world.

On the first Friday after the massacre (September 24), I went to al-Aqsa mosque (also known as the Dome of the Rock) to gauge the reaction of the Palestinians, as this was their first prayer service there since the incident. But all the entrances to the mosque were being checked by police. People had to present their identity cards, and their addresses were recorded. Inside were between 50 and 100 helmeted policemen armed with clubs and shields. They were putting awesome pressure on the people to keep them from demonstrating. After the service, women walked around the courtyard holding up pieces of black cloth in protest against the massacre. I also came across a group of artists who were demonstrating. One woman among them was painting people with red paint to symbolize blood, but she was quickly taken away by the police.

Seeing this, I felt strongly that democracy in Israel is tolerated only within certain limits. In Israeli democracy, citizens who regarded the Palestinians as equal human beings and part of the same democratic system would be arrested immediately. In fact, all demonstrations in the Occupied Territories are suppressed. Democracy in Israel seems to be for Jews only.

The Palestinians suffer constant oppression. If a homeland is not granted to them now, they and their children will become all the more determined to recover what is rightfully theirs, even if the massacres are repeated again and again.

Witness to the Massacre

Ellen Siegel
American Nurse

Thirty eight years ago this year, on August 6 and 9, 1945, the U.S. government dropped the world's first atomic bombs on Hiroshima and Nagasaki, killing and maiming hundreds of thousands of innocent Japanese civilians. One year ago this August 9, Israel, using weaponry made in the United States, heavily bombarded Beirut by air, land, and sea, inflicting terrible losses on the local Palestinian and Lebanese population.

I was a volunteer nurse at Gaza Hospital in the Sabra camp in West Beirut during the massacre that took place there in September of last year. I went to Beirut after weeks of watching the appalling effects of the Israeli invasion on television. As a Jew, I felt a moral responsibility to use my skills to help those being harmed at the hands of my own people. I expected to see some humanitarianism displayed but found only destruction, devastation, and death—the result of a total lack of respect for human life and property.

When I arrived on September 2, much of West Beirut lay in ruins. Nothing was left untouched, and the streets were empty of people, except for armed soldiers. Buildings were charred and chunks of concrete hung from their sides. Many had been flattened, and whole areas were covered in rubble. The streets were full of glass, burnt and broken furniture, clothes, shoes, books, toys, and other personal belongings. Signs in Hebrew had been painted on buildings and trucks everywhere.

I lived and worked at Gaza Hospital caring for victims of shrapnel wounds and chemical burns, cases of typhoid fever, paraplegics, amputees (of which there was a very large number), and dehydrated infants. Most of my patients were Lebanese, and many were women, children, and elderly men. Several low-income Lebanese families had sought refuge in underground shelters during

the bombardments and were subsequently bombed inside them. The few survivors of such attacks were undergoing the painful and time-consuming treatment of daily debridement, cleansing, and redressing. Around the camp the devastation was appalling. Among the piles of rubble could also be found ammunition, rocket casings, parachutes, and a wide range of American-made weaponry. Hundreds of dwellings, which had once housed a multitude of families, were uninhabitable. Hundreds of families had been split up and dispersed to different areas.

Everyone lived from day to day in a state of total fear. Some were using the hospital to shower and get a hot meal. Life in the camps went on at a slow and quiet pace as people attempted to put their lives back in order once again. The Palestine Liberation Organization had been evacuated. The multinational peace-keeping force had gone. The American government had promised to guarantee the safety and security of all those in the camps. Then on September 14, an explosion in East Beirut resulted in the death of Lebanon's newly elected president, Bashir Gemayel. That evening, the official Lebanese radio station played only somber music.

Early the next day, the BBC announced Gemayel's assassination, and Israeli planes flew over West Beirut. Light artillery fire close to the hospital increased as the day went on. Again, on Thursday the 16th, the planes flew over and heavier weapons could be heard. Thousands of refugees were seeking security in and around the hospital, screaming, "Israel–Haddad–Kata'ib," and making a slashing motion across their throats. That night I watched flares fall followed by machine-gun fire as the BBC announced that the Israeli army was now occupying West Beirut.

On Friday morning, the 17th, VISNEWS [U.K.] came to film the hospital, and we gave them details concerning all the foreign health-care workers there. The Palestinian and Lebanese staff left the hospital, informed that it was not a safe area. A young Pakistani nurse was shot straight through the body as he was looking out from the top of the building. Luckily, he survived. People were now arriving at the hospital, a good number already dead or critically injured. Many had been caught in crossfire. In the afternoon, those that could, fled, taking medical supplies with them. About 40 patients, many still in critical condition, remained, but six children were evacuated by the International Committee of the Red Cross. The ICRC also dropped off vital medical supplies and was given a list of the international workers. Because high explosives were now

falling very close, everyone moved to the first and second floors. Smoke was pouring in the windows, glass was shattering everywhere, doors were slamming and equipment reverberating.

At about 7 P.M. on Friday evening [September 17], two young men came up to me in the intensive care unit. They were well groomed, wore starched shirts and clean, well-tailored trousers, and were clean-shaven. One of them asked me if the Kata'ib were coming the next morning to "slit the throats of Palestinian children." He repeated this twice in English, his eyelids heavy and droopy. He wanted to know who was in the hospital, and I informed him that only foreigners were present. He then insisted on speaking to someone who spoke German. Finding a German doctor, he repeated his question in German. Other health workers reported that about ten more of these young men were wandering around the hospital, some smoking hashish. They disappeared after this.

That same evening, a patient with multiple injuries became the cause of great interest. When he first arrived at the hospital, he told the doctor that it was the Israelis who had inflicted his wounds and killed most of his family. He later admitted that it was actually the Kata'ib who had entered his house.

By nightfall, the heavy artillery had stopped, and only the sound of machine-gun fire could be heard. At 7 A.M. on Saturday morning, September 18, I was told by another volunteer that the Lebanese army was outside and that I was to go downstairs. An officer below had told him, "Don't be afraid. We are the Lebanese army."

All the staff were ordered to assemble in front of the main door. Before going down, I looked out of the window to see about a dozen soldiers with helmets and rifles. Camp residents were being herded down the street past the hospital at gunpoint. The soldiers wore clean, well-fitting uniforms. They were clean-shaven, very neat in appearance, and had the words "Lebanese Defense Force" embroidered on their pockets. These were the Phalangists. They spoke to each other in Arabic and French and to us in English. They allowed us to leave two health-care workers behind in the intensive care unit. We were then ordered to march three abreast down the main street that connects the Sabra and Shatila refugee camps. We passed several corpses on the way. One old man lay dead. He had several bullet wounds and was not yet cyanotic. Soldiers were guarding hundreds of terror-stricken refugees who were nervously making the "V" sign. Machine-gun fire was coming from both sides of the street, but the soldiers escorting us were not responding at all. It was as if they hadn't heard anything.

Some camp residents, including hospital personnel, cooks, and cleaners, had followed us. They were stopped by the militia. A Palestinian now joined us, wearing a white lab coat. He, too, was stopped. A German health worker saw him slapped in the face with his identity card. His lab coat was removed, and he was taken around the corner. The health worker then heard a gunshot.

Other soldiers now appeared, more sloppy in appearance and with no identifying marks on their uniforms. As we continued marching, they hurled insults at us, calling us "dirty people," "communists," "socialists," "Baader Meinhof," and "unchristian." We had been treating patients they called terrorists, and they accused us of killing Christians. One soldier remarked that Gaza was not a hospital but a place in Egypt. Just inside the entrance to the Shatila camp, bulldozers, at least one of which was marked with Hebrew lettering (Alef), were extremely busy. Homes had disappeared.

All the militia around us were using walkie-talkies. Just before we reached the edge of the camp, our captors ordered us to remove our lab coats. Leaving the camp, we turned onto the highway leading to the [former] UN building. We were then lined up against a wall that was already riddled with bullets and faced by at least 50 militiamen standing just a few feet away. They aimed their rifles at us for several minutes. Then suddenly they turned and filed into the camp.

Next we were taken along the highway to the courtyard of the UN building. We spoke with one Israeli soldier whom we passed on the way. He disappeared very quickly. The militia were now interrogating us. They wanted to know our identity, our reasons for coming to Beirut, and who had sent us. The other American in the group was told he had nothing to fear because he was an American. "Welcome," they said.

While we were in the courtyard a Red Cross van pulled up. A woman soldier bade us, "Come look! See how we treat the enemy." A young boy was sitting in the van. He had many small wounds all over his body. They seemed to be recently inflicted stab wounds. The woman poured some liquid over them and taped them up. When told to get out of the van, he began pleading with his captors, but they forced him into a jeep and drove him away. We can only guess his fate.

No Israeli soldiers identifiable as such were present, but we saw many Israeli-made products, including food and beer cans, all with Hebrew markings. We saw Hebrew newspapers of September 15 and

17. Suddenly, at about 10 A.M., the interrogation stopped, and we were marched across the street to a building occupied by the Israeli Defense Forces (IDF). Israeli soldiers were looking down on the camp from the top of the building through binoculars. Some Lebanese militia drove up in a jeep and wanted to take away an attractive Norwegian health worker. We appealed to an Israeli soldier who told them to leave. Fortunately they did. To my knowledge, no Israeli soldier questioned any of us about what had happened to us. They seemed very unperturbed by our presence there.

An Israeli television crew now arrived. They offered us bread, water, and fruit and then filmed us consuming it. Three members of our team volunteered to return to the hospital. One of the physicians was given a note written in Hebrew and was told by an Israeli soldier that it would get him past all the checkpoints on the way to the hospital.

At around 11 A.M., the Israelis drove us into West Beirut, which I knew better than any of the other health workers. The driver informed me that today was his "Christmas," meaning the Jewish High Holiday, Rosh Hashana. "I would like to be at home with my family. Do you think I like going from door to door, seeing women and children?" he said. When I asked him how many people he had killed, he replied it was none of my business. He then complained that the Lebanese army was impotent, that it had been in Beirut for years but done nothing. Israel had to come in and do all the work, he said. I noticed a map of West Beirut in the front of the jeep. It was covered by a piece of plastic with Hebrew writing on it. At one point we had to stop because of a possible land mine. Along the road were many buildings occupied by the IDF. Finally, we were dropped off close to the American Embassy where I reported the events of the previous few days.

That afternoon [Saturday, the 18th] many of the health workers began searching for other patients—those who had been evacuated by the ICRC from Gaza Hospital. We found them in different hospitals in Beirut. We learned from two of the medical staff who had remained behind at Gaza that shortly after the rest of us had left, they heard machine-gun fire lasting about 20 minutes and people screaming.

I left Beirut on Monday, September 20, for Damascus and then returned on September 30 to Gaza Hospital where I resumed work. Slowly, the Palestinian and Lebanese staff began trickling back, still

frightened and shaken. It was beautiful to see them greet each other, discovering that each was still alive—it was the first time they had met since the massacre. They had bought new clothes and shoes, and the women had had their hair cut and styled. It was also extremely gratifying to see many of our patients return to complete their treatment.

I read that a commission of inquiry into the Sabra and Shatila massacres was to be set up in Israel in mid-October and that witnesses were being invited to testify. I felt it was my duty to make every effort to attend and report my experience. The people of Sabra and Shatila had no voice. With the help of some American news agencies, I was able to submit a written testimony to the commission. It was notarized by the American Embassy in Lebanon and sent to Jerusalem via the New York Times correspondent.

Eventually I received a telephone call through the International Red Cross. The call was from the Israeli Ministry of Foreign Affairs in Baabda, East Beirut, asking us to go speak with them. We said no, that we would go to Jerusalem and report directly to the commission. Plans were then made for Dr. Swee Chai Ang, Dr. Paul Morris, and myself to testify in person.

On October 31, we took a taxi from West Beirut to the IDF office in Baabda. From there we were driven by the IDF straight to the border, past Israeli checkpoints, past the areas that had once housed Palestinian refugees (which now looked hauntingly deserted or had been reduced to heaps of rubble), past Israeli troops sunbathing on their tanks, past sophisticated road signs in Hebrew, and past women hauling huge buckets of water while trying to keep their children in tow. Crossing into Israel, we stopped at a Kibbutz on the border. Hundreds of rosy-cheeked, healthy, well-dressed children were singing and playing. Beautiful, sweet-smelling flowers and well-tended gardens adorned the Kibbutz. It was like passing from hell to heaven, from darkness into light. We were then taken to Jerusalem to a five-star hotel where we were wined and dined.

I testified before the Kahan Commission on November 1, as the twelfth of 49 primary witnesses. I spent 75 minutes before the commission members (President of the Supreme Court Yitzhak Kahan, Supreme Court Justice Aharon Barak, and Maj. Gen. [Reserve] Yona Efrat), in an open session at the Hebrew University. I was questioned extensively, allowed to speak openly and honestly about what I had seen, and was treated with great respect. My second and last document is the official testimony of Drs. Ang and Morris and myself before the Israeli commission.

After our testimony we were invited to tour Yadvasham, the memorial to the victims of the Holocaust, and Hadassa Hospital. Families of patients recognized us from the television and newspapers. They got up to shake our hands, hug us, and thank us for coming to testify.

Looking back, I now understand a lot more of what I saw and heard, things that were not clear at the time. For instance, the flares used to illuminate the camps for the Phalangists were provided by Israel. The shots that we heard but that the militia ignored (as we were marched through the camps at about 8 A.M. on Saturday the 18th) were the sound of the massacre still in progress. At least one of the bulldozers used to bury bodies and destroy homes was provided by Israel. While the former Israeli defense minister, Ariel Sharon, denies that any efficient communication system existed, I observed the extensive and constant use of walkie-talkies. The Israelis had occupied the [former] UN building and apparently turned it over to the Phalangists to be used for interrogation. The Israeli soldiers I saw observing the camps from their command posts could see at least parts of Shatila. An Israeli soldier had the power to dismiss soldiers of the Lebanese militia because the IDF was in control of the area.

Israel originally claimed that it went into West Beirut to protect the people against unrest and harm. The Israeli government also said that it allowed the Phalangists into the camps to "clean out the remaining 2,000 PLO fighters." How could approximately 300 Phalangists clean out 2,000 fighters and meet no resistance or take no casualties? The Israeli Commission of Inquiry concentrated on two key questions: Did the Israeli government know what would occur if it allowed the Phalangists to enter the Palestinian refugee camps, and when did key government officials learn that innocent people were being murdered—that a massacre was taking place—and once they knew, did they try to stop it?

Regarding the first question, the answer seems obvious. The Phalangist Party, which openly draws its ideological inspiration from European fascism, is an ally of Israel and has long been at odds with the Palestinians residing in Lebanon. To cite one tragic example, in 1976, during the Lebanese civil war, the Phalangists besieged the Tall al-Za'tar refugee camp on the outskirts of Beirut, slaughtering thousands of Palestinians. The Kahan Commission report has accused Sharon of failing to anticipate the possibility of a massacre.

As for the Israeli government's knowledge of and reaction to the unfolding massacre, the commission accused Sharon and other key

government officials of failing to act on early reports of heavy civilian casualties in the camps.

The missing limb of an Israeli child is no greater a loss than that of a Palestinian child. Both are mourned. The heavy toll of human misery taken by the invasion and massacre has appalled millions of people, including many Israelis. We must insure that the suffering of last summer is the final episode in the Palestinian tragedy.

I went to Beirut as a Jew with a profound understanding of the history of my people, a deep interest in the ultimate safety and security of Israelis, and a concern for human suffering. During my testimony in Jerusalem, Supreme Court Justice Barak assured me that justice would be done. With the findings and recommendations of the commission, I feel that some measure of justice has been achieved. But much more is needed before genuine justice is done. Only through a dignified, peaceful, and lasting solution to the conflict based upon the principles of equality and national rights will this justice ever come about.

We spoke in Jerusalem on behalf of the men, women, and children whose mutilated bodies now lie beneath the rubble of Sabra and Shatila camps in Beirut. Their voices will never be heard again, but their memory shall never be forgotten, just as the memory of those who perished during the Nazi Holocaust can never be forgotten. We hope that the people of Sabra and Shatila have not died in vain and that one day justice will prevail.

Inquiry by the Jury

Gordon MCINTOSH: You said that, sitting in the Israeli jeep, you saw a map of Beirut covered in plastic. Could you tell me if that map was of a large enough scale to be able to identify things, building by building and street by street?

SIEGEL: I have no idea. I'm sorry, I just don't know. It was a map of Beirut, it was divided into blocks, and there were Hebrew letters in each block.

LEE Fwe Song: You said you went to the American Embassy and reported the incident. What were you told at the embassy?

SIEGEL: When I walked into the embassy, I was very dirty. I had green operating pants on, and I walked in and said, "Something is

wrong in these camps. Something is going on." They asked me for my name and my passport number; they told me that the man responsible was not there, that I should come back later. So I returned the next day, and I met Ryan Crocker of the Political Affairs Department, who had just come back from the camp. He said that he personally had counted something like 120 bodies and that other ambassadors and representatives were also in the camps counting bodies. I asked him, "Didn't you know that there were Americans working at Gaza Hospital?" He said that he was not aware of the fact, nor did he know anything about what was going on in the camps until Saturday morning, the 18th.

R. K. GARG: I am deeply impressed by the clarity with which you have presented the facts. I am sure you must have done as good a job before the Kahan Commission. If you have had the opportunity to see the report, would you say that the evidence you gave before the commission received adequate treatment in that report?

SIEGEL: I have not had time to read the Kahan report, but I saw that my name is mentioned under the section entitled "Direct Responsibility." What Drs. Morris and Ang and myself saw seems to have been ignored. I don't know if they mentioned the bulldozers or the flares.

MCINTOSH: In the Kahan report, the Israeli soldiers tried to make out that they didn't know about the existence of Gaza Hospital, at least not until the BBC's report on what happened in the camps had reached Israel and, subsequently, the military. Do you know anything about that?

SIEGEL: At least two groups of people were given a list of all the international health workers at Gaza Hospital. They were requested to contact the IDF and tell them that foreigners were working in that hospital. So for the Israeli forces to be unaware that Gaza Hospital was in the camp when the International Red Cross, the Norwegian ambassador and VISNEWS knew about it is very strange. The ICRC was also asked to contact the IDF.

KOHRA Rumiko: You said that on September 20, dehydrated children were carried into the hospital. What were the causes of dehydration?

SIEGEL: I think that if you were a woman in her last four months of pregnancy between June and September, say, and the baby was born sometime before or shortly after the massacre, and you had been running from bombs since June and your husband might have been killed or sent away in the evacuation or might just have disappeared, you would be undernourished. Both the Palestinian and Lebanese

women were very tired and had many children. These women had been living under very unsanitary and difficult conditions. Often they could not produce enough milk to feed their babies. So there are many reasons why their children were dehydrated.

DOCUMENT SUBMITTED BY WITNESS ELLEN SIEGEL

Witness Ellen Siegel submitted the following documents to the tribunal: A) the oral testimony given to the vice consul of the U.S. Embassy in Beirut on October 12, 1982, B) the testimonies of Ellen Siegel, Dr. Swee Chai Ang, and Dr. Paul Morris at the Kahan Commission, November 1, 1982.

Dr. Swee Chai Ang and Dr. Paul Morris worked with Ellen Siegel at Gaza Hospital at the time of the Sabra-Shatila massacres. Their testimonies are valuable for the light they shed on Ellen Siegel's testimony at the Tokyo tribunal.*

For the reader's reference, we reproduce here Dr. Ang's testimony before the Kahan Commission. For editorial reasons, we have omitted the questions by the members of the Kahan Commission and made minor deletions and tense changes in the original text—Eds.

TESTIMONY OF DR. SWEE CHAI ANG AT THE KAHAN COMMISSION

My name is Doctor Swee Ang. I am a member of the British Medical Association. I am an orthopedic surgeon and a Fellow of the Royal College of Surgeons of London.

I left London on the 15th of August in response to an appeal sent out by the Lebanese for an orthopedic surgeon to look after the war casualties in Lebanon. I was taken to Beirut and I visited a few hospitals, including that in Zachle, in Baback (names unclear), in Gaza and in Akka . . . finally through a series of assessments . . . we decided that the need for an orthopedic surgeon was greatest at Gaza Hospital. So I went to work in Gaza Hospital. I started work . . . on the 23rd of August, and worked right through till the 18th of September, when I was taken out of Gaza Hospital by a group of soldiers.

I shall begin on the 15th of September because on the 14th of September I went to work like normal—the only thing that I can specially remember was that there were lots of bulldozers on the road. I assumed that they were clearing the road, and I thought that it was part of cleaning up the city after the war.

On the 15th of September, I was in bed. At 5 A.M. I [could] hear many, many airplanes flying across. They seemed to be going toward the direction of the Sabra-Shatilla camps. I woke up, got washed, switched on the radio, and heard that President Bashir Gemayel, the President Elect then, [had been] assassinated the night before. I expected trouble, but I [didn't] know what sort. . . . I took a taxi and went down to . . . Shatilla camp, to Gaza Hospital, to do my normal work, operating. . . .

I was living in Hamra, which is in the area, and commuting to work every day. And . . . by the time I reached Gaza, it was about seven o'clock and there was an air of uneasiness because of all those airplanes flying around over us. We had a meeting of the senior medical staff—officially my position in Gaza then was chief of the Orthopedic Department, so I met with the other surgeons—and we . . . decided to cancel all elective operations in preparation for what we thought was going to be a war. I cancelled six patients that morning. And [between] seven thirty and eight o'clock, I [could] hear distinct explosive noises in one direction. . . .

This was about seven thirty A.M. You see, I had left home and had come to the hospital. . . . The first explosive noises were heard and just went on and on and on . . . And then [they] continued in other directions, and by midday, I had not received any casualties . . . I was very worried because two ambulances from Gaza Hospital went out to pick up casualties. We expected people to be hurt, with all [these] explosions going around. They left the hospital and never came back. And by midday, I went up to the rooftop of . . . Gaza Hospital. I must explain to you that the hospital is ten floors high. And I had a look around, and by this time I realized there was a ring of smoke coming all around the hospital and there was shouting in all directions. Afterwards, I came down again and sat down and waited for trouble and still

no ambulances came, no casualties came. Some people came in; they [had been] wounded by shrapnel . . . which came from bombs, [so] we removed the shrapnel and treated their wounds, and they walked back.

These [were] all walking casualties. And I [had] no way of finding out what [was] happening beyond that. Except that the shelling was surrounding the entire Gaza Hospital. By three o'clock in the afternoon, maybe three or three thirty, some very frightened people came running into the hospital saying that Israeli tanks [had] moved past Akka Hospital. Akka, you understand, is on the other end of the camp. They had surrounded Akka and had moved past . . . but . . . not entered [it] and [were] moving toward the direction of Gaza.

I came out of the hospital and I [could] hear explosives all around again, and it [was] much nearer and from my own estimate they could be anything like one to [one-and-a-half] kilometers around the hospital. I was very worried. Not only for myself, but for the hospital . . . and for all the foreign medical staff that was left in the hospital, so I took a cab, left the hospital, to make sure they were all registered with the International Red Cross. There [were] 22 of us. I gave their names to some responsible person with the I.R.C. . . . Then I came back to the hospital again, took my sleeping bag and my toothbrush, because I thought most likely I would come back to the hospital and . . . not be able to leave again. So I stayed there. That night again I had no work strangely, except the in-patients of the hospital. I went up to the eighth floor and had a look . . . and I saw the camp being lit up by little light bulbs—flares, yes. I had never seen flares in my life and they were there, many of them. I took pictures of them and I was wondering what was happening. In the end, about twelve o'clock, I went to bed. There was nothing going on.

At five A.M. the next morning I was awoken again by all these airplanes going around and around. . . . And I said, "Right, let's see what is happening." My first casualty arrived at about mid-morning, maybe about ten o'clock. It was Thursday, the 16th of September. She [was] a woman and she had been shot through the elbow, with a gun, because I know the kind of injuries caused by a small entry [and a] large exit. [The bullet] shattered the entire elbow, so we took her to the theater and started fixing up the elbow. And then a stream of casualties came in. The next woman [had been] shot through the jaw. And then another woman came in, shot through the brain. I knew that the first woman was going out of Sabra-Shatila. I knew she lived in the camp. She had gone out to pick up water and somebody sniped at her. I was getting all this information from a translator. She left her home to go to the water point, which is inside the camp, to pick up water and she was shot then. From the kind of injury I [could] see she must have been shot within fairly close range. Because later on our patients were shot from a far distance, and the damage was not so great. This was followed by a string of casualties, mostly women, and by afternoon, I [had] children coming in. And [by] that time it had changed. It wasn't people who were shot after leaving the house. By [that] time, people began to tell me that gunmen had broken into the houses.

It was three or four o'clock. Between two and four I can say safely. It was still bright daylight. And the people had broken into their houses and started shooting whole families. I was very busy, honestly, but in between I [did] ask who these gunmen were. Were they Israelis or were they not? It was very confused. Some [said] Israelis. Some [said] gunmen with a Baobak (phonetic) accent. Baobak you realize is the East of Lebanon, so I really don't know who they [were]. But it seemed to be somewhat different people. (Done by different people? Unclear.) So from then on, I was very, very busy.

I came up this time, got hold of the person who was responsible for the hospital and said, "Now, what are you going to do about this? We are full of refugees. We are full of casualties." By that time, the hospital had filled up from about our usual quota of 42 in-patients to about 82. And plus we had transferred a lot of patients to a nearby hospital Macassa, because we couldn't cope. There were only two surgeons, myself and another surgeon . . . plus only one theater team, and a small theater to operate, plus a group of maybe five or six residents. So I was told by the administrator that the following actions were planned. The administrator would leave, go to the International Red Cross, ask for help for more medical personnel to relieve us. Second, help would be asked for food and relief

supplies for the 2,000 refugees, and thirdly, contact would be made with the Israeli Defense Forces to ask [them] to come in to occupy the hospital so that whatever strange gunmen that might be doing the shooting in the camps [would] not enter. And at this time, while the hospital administrator was planning all this, I had my first male adult casualty. It happened to be my own nurse who was about 20 years old. [He] decided at about seven or eight o'clock in the morning to go up to the 9th floor of the building to have a look at what was going on around. And while he was standing at the window, he was shot at, and we had to operate on him. He was shot at with a rifle, but from a long distance. And I mean I can tell . . . a rifle injury. So that, I can remember very clearly, was the only male [adult] patient I operated on . . . By about ten o'clock, the hospital administrator returned. And I asked [him], "Have you done all that you promised you would do?" And I was told that the International Red Cross had been informed. We [were] all registered. The Israeli Defense Forces had been told that there [were] 22 foreign medical personnel in the hospital and that they would come and protect us plus the refugees. But the personal feeling of the hospital administrator then [was] that this hospital [was] no longer safe.

I really don't know how the contact was made. But the contact was made via the International Red Cross. I should . . . actually have questioned the International Red Cross. I was too busy then . . . I think contact was actually made because while the casualties did continue, the International Red Cross [came] in the afternoon, and they brought a lot of food for the refugees, and new medical personnel was brought in to help us. So some contact was made. At this time, the hospital administrator told whoever was left of [the] Palestinian and Lebanese staff that they should leave the hospital because the hospital was no longer safe and the Israeli Defense Forces had not come. . . . And at that sort of instruction, everybody left the hospital. Then the Lebanese Palestinian staff also left the hospital, and we were left with 22 foreigners, and the International Red Cross took the hospital administrator away together with six very ill children and out-patients. Those who could walk disappeared, took their own discharges, so that by the end of the day, we were left with . . . roughly . . . 35 or 40 patients. The refugees also disappeared. I don't know where they went to. They just disappeared. They took the food from the International Red Cross and ran away. If you want to know what crossed my own mind, I thought that maybe the Israelis are actually . . . killing people and maybe there are some gunmen who are working closely with the Israelis doing this thing together. I [had] no idea because I had not left the hospital at all. . . . By this time there was no more shelling. There was some shelling, . . . less [than before], but there [were] continuous machine guns going all over the place.

It was Friday evening by now. And I thought that well, you know, if the Israelis realize there's a whole lot of foreigners inside here, and that we are going to watch what's happening, most probably . . . they wouldn't do it. . . . And the other gunmen whom the Israelis had taken into the camp would most likely stop doing what they are doing, too. So I thought we were quite safe on that point. . . . So the Lebanese and Palestinian staff left, leaving 22 foreigners with the keys to everything in the hospital. . . . Just a whole bunch of keys, you see. I [didn't] know whether [they were for the] kitchen or mortuary or what not. . . . By Friday morning, the whole mortuary was full. . . . I went down to have a look at the mortuary to see [what was] happening . . . and found lots of children, some women, Approximately 13, or something like that. They were brought into the hospital, but died in the hospital while . . . receiving first aid. They died, and of course, two patients I personally operated on also died of their injuries—their injuries were so bad they were beyond salvation. . . . And of the whole lot in the hospital, I don't know how many of them died. . . . Photographs of bodies in the mortuary I have. . . . So, on Friday afternoon after the Lebanese Palestinian staff left, the hospital became strangely quiet. But outside there was continuous machine-gun fire right through.

And no Israeli Defense Forces came to protect us at all. So a group of strange people entered. I met them downstairs. Maybe about twelve or thirteen. No uniforms. Plain clothes. And they were quite clean, you see. . . . All young men. And cleanly dressed and all that. After being used to 72 hours of a terrible time, everybody [was] in a mess, including the

medical staff. . . . But these lads were very well dressed and clean, and they came in and looked, and I said I am the head of the department. They [wanted] food, you see. And food—that's all they could say in English. I don't speak Arabic. I don't speak anything but English. Then they said they wanted someone who speaks German. I said, "My God, I don't speak German." So I handed them over to a German-speaking medical student who was part of the medical team. . . . And they spoke. I don't know what they [said] and they went upstairs, two of them, to Intensive Care, and I went down to the kitchen looking for food, but there was no food left, and by the time I came back they said, "Sorry, Sorry," and vanished. They were not armed and had no guns. But they were certainly not local because any of the refugees I could recognize. They [were] not . . . the usual people that hang around the camp. They [didn't] seem local because the locals usually speak some kind of English, if they can't they speak French. These lads [didn't] speak French . . . nor English. I don't know who they are . . . but they spoke with the German medical student, and they went on in German for some time. . . .

Friday night, the hospital was quiet. The last casualty I operated on was a little boy of eleven years old who told me by an interpreter that his whole family or most of his family has been shot. At first he said by Israelis. And then later on he changed his mind and said. . . . (word inaudible). I operated about three o'clock. I finished the operation at four. He said that he was shot the previous night. But his whole family [had been] killed. And he lay down pretending that he was dead. He was shot three times. I can remember it very well because I did the operation. He was shot on his right arm, rifle-type of injury. Shot through his right index finger, which I had to amputate, and . . . shot through his left leg, which I also had to operate on . . . And he said that he fell to the ground. Shooting went on, and there were a whole heap of bodies on [top of] him, and they thought he was dead. But the next morning, friends, who knew he was alive, brought him, and by the time he reached me [it] was nearly three o'clock. They were old wounds, but I operated on them. I think he is still alive now.

[On] Friday evening, after the evacuation of . . . the whole Palestinian and Lebanese staff, [we] foreigners, who [didn't] speak Arabic, [were left] with a whole bunch of keys. The night was quiet in the hospital. We had no more casualties. We had very ill patients in intensive care. But there was continuous machine-gun fire right through, and so we knew that this [was] not . . . very good. So all of us were up more or less, expecting trouble.

At 6:35 A.M. on the 18th of September, Saturday morning, an American nurse [Ellen Siegel] spotted soldiers coming to the front of the hospital. She was somewhere on the upper floor and saw out the window. . . . Running down to me, she said some soldiers [were coming].

So I sent one doctor down to negotiate with the soldiers. And said, "Let me tidy up . . . Intensive Care and I will come down with you." But by the time I came down, this doctor was already involved talking to some soldiers, and when I came down I said "What's happening?"

The soldier, the officer—there were a handful of them—were all armed with machine guns, and they had . . . clips around them. They wore the Lebanese crest around themselves. They had . . . yellow letters on them, which I [couldn't] read. And when they saw me, I said, "Look, I am a doctor. I want to know what's happening. What [do] you want to do?" And they said, "Do not be afraid, Doctor. We are Lebanese." So I asked [them], "Lebanese soldiers? Lebanese what?" And [they] told me, "Lebanese forces." So I thought that Lebanese forces meant Lebanese Army. It was only later on that I realized that it was important. . . . So I said, "All right. Lebanese army——Lebanese forces. Okay. Forget it. I am not going to argue."

And he said, "We want to know how many dead people have you seen? He spoke English, but with a Lebanese accent. And I said, "Well, I don't know how many people have been killed outside. I can hear machine-gun noises and so on. But from those that reached the hospital, our mortuary has at least 13 (30? Unclear) dead people there. I counted at least 30 to 40 people who are nearly dying at the hospital and then, you see, we have about 30 or 40 people who have been shot in the last few days, so that is my own experience. I can't tell you how many other people have been killed outside.

He said, "All right. Now, don't worry, Doctor. We want everybody who carries a foreign passport to come down here. Can you bring them down?" There were two doctors then . . . . The British doctor was down there and myself. So I sent the British doctor up to get everybody down, and I stood there and waited and when all of us were assembled, we were told by this so-called Lebanese officer that he [wanted] to take us away for two or three hours to interrogate us and [that] we [might] return to the hospital [or] we [might] not. So we told him, or rather I told him, "We've got very ill patients and there is no Lebanese or Palestinian staff left in the hospital to look after them. If you take us away, those on respirators, those who are in intensive care will die." And after some negotiation, he agreed to leave behind two nurses to look after the critically ill.

We were all foreigners. A Swedish nurse was left behind and a German medical student to look after Intensive Care. And we went with him. He took the 20 of us comprising people from Britain, from America, from Denmark, from Norway and so on, and walked us down Rue Sabra. . . . So we walked down that road, and there were gunshots all around, and the soldier didn't mind, and he was quite good to us. This Lebanese force officer. And as we walked down the road he passed us on to another group of soldiers . . . . But I noticed that on both sides of Rue Sabra there were groups of women and children rounded up together by soldiers [who were] not wearing any special uniform. I really don't know who they [were].

Among the soldiers, some had . . . light-colored hair, light-colored skin, some [were] ethnically of African origin, because they looked Negroid, and I really don't know who they [were]. And so we walked down the road. I just thought they are taking us for interrogation. I wasn't worried but I was very worried about people on both sides of the road. Because they stood there, and a woman tried to pass her baby to me, you see, to carry it across, but the soldier ordered her to take back her baby. I was prepared to take the baby out and I carried the baby in my arms for about two minutes, and then the soldier told her to take it back, so she took the baby back. And I was mentally trying to count how many people [were] on both sides of the road. I think there were easily about 800 to 1,000. You see, if you just estimate groups of 20 and 50 and so on . . . by the time we reached the end of the road ,we had passed from one group of soldiers to the other, and the soldiers got more and more aggressive and started asking us all sorts of [questions]. . . . There were some soldiers [who] wore a . . . label, white with red lining, with M.P. written in red on it. Some of them wore no identification. They . . . just [wore] green with green-beret hats. I don't know who they [were]. And they were carrying walkie-talkies, communicating with each other, communicating all the time with each other, and I don't know what they were talking about, either. It could [have been] any language . . . It [wasn't] French. It [wasn't] English. That's all I can tell you. I don't speak Arabic. I don't speak Hebrew, and it could [have been] any language. As I passed through the streets I saw three corpses. I would say that from my own medical judgment, they would have been shot within the past two or three hours. And at the end of Rue Sabra, towards the end of camp, I saw two large bulldozers just pushing down the camp houses, pulling them down. I thought I imagined them trying to bury bodies, but I can't swear [to] that. But these bulldozers [were] large. They [were] about two-and-a-half times the size of a normal Caterpillar bulldozer . . . and they were very active, and they [had] one letter on it, and I [couldn't] read that [either]. . . . It was just tearing those camp houses down and just rolling rubble over all the camp. So we were taken to what I realize was the UNICEF courtyard for interrogation by a group of soldiers, and among them [was] a woman officer, and she was very angry with us. Especially when she found out that I came out with a Christian organization. . . . And she said, "You are a Christian? And you came with a Christian organization to work for Palestinians? How dare you?" I said I didn't come to work for Palestinians; I worked for whoever [was] wounded. Whoever needed medical help. The conversation was all done in English. Then our passports were taken and she gave the German a very bad time, called him Baader Meinhof and a terrorist, which is not true. But after awhile she quieted down. About maybe nine thirty or ten o'clock we were suddenly told, "Okay, right. We are finished with you. We'll take you to the Israelis and see what they want to do with you."

So the whole lot of us were taken from the UNICEF courtyard to the Israeli headquarters . . . It was across the road. And at the Israeli headquarters nobody seemed to mind too much who we are. Our passports were not checked. Evidently, whoever was down in the UNICEF courtyard must have communicated by radio to the Israeli headquarters to see that they . . . cleared up. . . . We were given food and water to drink. There was a film crew present there who identified themselves as [an] Israeli film crew. [They] took pictures of us eating food and somebody who looked like someone important, you know, I think he must have been an I.D.F. officer or maybe a general or brigadier or something like that, asked us what we wanted. And we said that we were very worried about the patients left in the hospital. And they said, "No, it is not safe for you to go back to the hospital, at all."

[In response to Justice Barak's question: But if the massacre was reported why [didn't] you [cry] out, "Look what happened?" Ang answered:] Because we were busy negotiating to go back to the hospital. Because I thought at the time, that the moment I . . . left the hospital they [were going to shoot everybody in the hospital. That had passed through my mind. So all the time I wanted somebody to go back to the hospital, and that was my prime aim. Two doctors, one German, one British, went back, and a British nurse. I wasn't allowed to go back by the medical team because I am a woman. Although I am senior, I am still a woman, so they said it is not safe for you to go back. . . .

And . . . then, we were taken by the Israeli army by the coastal road to the American Embassy and dropped there. The doctors weren't really allowed to go back. I asked them, because I really went along questioning everybody after that. They weren't allowed to go back via Rue Sabra. They were taken to the Sport Stadium with this pass, initially written in Hebrew, but at the request of one doctor who said that if these people, these strange gunmen, [didn't] read Hebrew, they would just drop him. The officer who issued the pass said, "Don't worry; they do read Hebrew." And the doctor said, "No, I want it to be translated [into] Arabic." So someone who wrote Arabic was called forward and a second part of the pass was translated into Arabic. And with that pass he went into a United Nations vehicle, which took him back, took the three of them, I mean, back to the hospital by a different route, not through Rue Sabra again. When they went back to the hospital they saw all of the patients. Nothing had happened. The two nurses, I mean the Swedish nurse and the medical student who had been left behind, were very, very worried as to what [had] happened, and . . . the Swedish nurse . . . said that half an hour after we had been marched out of the hospital, shooting started continuously, and she [could] hear women and children screaming and yelling. This lasted for something like twenty minutes, and then there was dead silence following that. It was . . . Saturday morning. And she was so worried. She thought we were shot together with [the] women and children. She was relieved, of course, to see the three medical personnel coming back, and then the I.C.R.C. came in and started evacuating patients. So patients were taken away from Gaza Hospital to other hospitals like Nadja Hospital, American University Hospital, Lahout Hospital, and so on.

And finally, by about three o'clock, the whole hospital had been emptied.

I went up to the International Red Cross the day following and found out all these things about the massacre . . . and how many people [were] dead, and the I.C.R.C. then told me that they had counted 1,500 bodies. It was on Sunday. . . . They said it might be more, but they stopped at that. [On] September 22. I was watching Arabic television. I don't speak Arabic. I just sat there and watched and somebody suddenly said that the Lebanese Red Cross had counted, together with the I.C.R.C. up to [that] date, 2,400 bodies. . . . I know, particularly on the 23rd of September, they found other bodies . . . but I just stopped counting. Two thousand four hundred is the limit. I [couldn't] cope any more.

And then I was deployed by my agency, who sent me as a volunteer to look after patients in Lahout. . . . So I had no time to chase around [finding out] who was killed [and] I wasn't there when they actually buried the bodies. And we reopened the hospital on the first of October under the I.C.R.C., the P.R.C.S., and the Middle East Council of Churches.

(End of testimony of witness number 13.)

* Dr. Paul Morris stated in Europe that the important parts of his testimony at the Kahan Commission had been omitted and distorted in the final report. He pointed out that: "1) The report does not mention that the (irregular) soldiers who escorted him and his colleagues from the Gaza Hospital to the Israeli command post spoke in an accent which was neither Lebanese, nor Arab, but closer to an accent that he later discovered was common among the Israelis; 2) it does not mention that the note which an Israeli officer gave him, to help him return to Gaza Hospital, was written in *Hebrew*, that the officer had assured him that the irregulars would understand what the note said, and that he and his colleagues had to demand that it be translated to Arabic three times before the officer obliged; 3) it notes that he and his colleagues had not known that the massacre was under way although they were in the middle of it, and concludes from that that the Israeli soldiers who were outside the camps could not possibly have known—which was "nonsense," since the medical staff could not even look out of the hospital windows for fear of being shot, while the Israeli soldiers were in positions which commanded a clear view of the spot where most of the bodies were found." (Cited in Newsletter No. 6 published by the Centre International d'Information sur les Prisonniers, Déportés et Disparus Palestiniens et Libanais, Paris.)

Akka Hospital

Troy Rusli
Norwegian Surgeon

Ellen Siegel spoke about the events at Gaza Hospital during the Sabra and Shatila massacres. I would like to say a few words here about what happened at Akka Hospital during this period. The Israeli Defense Forces were the first to arrive at the hospital. Suddenly, they pulled out, and then came the Kata'ib. It is important to note that the Phalangists arrived after the Israelis.

Second, the Kata'ib killed two patients at Akka Hospital. One was shot and allowed to bleed to death. The other patient was shot and killed in bed. Furthermore, the foreign health workers, Filipinos, Australians, etc., all had to go to the cellar of the hospital where they were lined up against the wall, ready to be shot. At the last second, an International Red Cross representative arrived on the scene and intervened, saving their lives.

I have a letter, or press release, rather, from the International Committee of the Red Cross dated August 1, 1982. It states that the ICRC had given the Israeli government the location of all hospitals in Beirut, including Gaza and Akka. When Israeli troops entered Beirut, they took over the Protestant School, which was being used as a temporary hospital by the Palestine Red Crescent Society. They knew exactly where it was, in which rooms the patients were located, which people they wanted to work with, and those they didn't want to work with. The IDF knew the location of West Beirut's hospitals very well.

Inquiry by the Jury

R. K. GARG: Are you suggesting that the Israelis deliberately destroyed hospitals and the patients in them to make sure there were no survivors among their victims?

RUSLI: The Israelis could not, of course, bury all evidence of what they did. But, you understand, they wanted to make the Palestinian and Lebanese people suffer as much as possible. And, as we are doing here today, we must make all the facts, the whole truth, about what happened known throughout the world. As Ellen Siegel said in her testimony, we cannot forget what happened in Shatila, Sabra, and West Beirut. We must remember, for the sake of those Palestinians and Lebanese killed and tortured to death, for the sake of others like them.

MORIKAWA Kinju: I noticed in the documentary film we were shown earlier that the hospitals all had big red insignias on them. I wonder if that was also true in the case of Gaza and Akka hospitals?

RUSLI: Yes, there is no mistake about it. There was a very big Red Cross emblem on the roof (of Akka Hospital) and also on the side of the building. It could be seen clearly from the air and at a distance. No one could have failed to see that this was a hospital.

Testimonies IV

Human Rights in Israel and the Occupied Territories

Felicia Langer

Raymonda Tawil

Mamduh Mustafa Adwan

The Defense of Palestinian Rights

Felicia Langer
Israeli Jurist

On June 6, 1982, the fifteenth anniversary of the 1967 June war almost to the day, the Israeli army invaded south Lebanon. In a genocidal war that claimed thousands of innocent Palestinian and Lebanese victims and resulted in tremendous destruction in Lebanon, it imposed an armed occupation on a sovereign Arab state. In the hills and valleys of Lebanon and in its refugee camps, the Israeli Establishment is continuing its unholy war of annihilation of Palestinian political and human rights—begun many years ago in the West Bank and Gaza—with the full support of the United States of America.

Massacres, murders, and enforced homelessness are the measures being taken against the Palestinian people in Lebanon. These acts show that there can be no security or protection for the Palestinians except through their own efforts, on their own soil, where they are free to exercise their legitimate right of independence and self-determination.

For 15 long years of occupation, the Israeli authorities have done their best to suppress Palestinian rights in the Occupied Territories, to dispossess them, to break and crush their national identity and aspirations.

I would like to examine this occupation in light of international law. The Hague Convention of 1907 was endorsed and accepted by virtually the entire civilized world. In 1961, the Israeli General Staff asserted that "as established by the various law courts for war criminals after the second world war, these regulations are to be considered as declarations of usage of international law, and although Israel is not a partner to the convention, it has to be regarded as committed to carry out the rules of usage of international law." The second convention is the Fourth Geneva Convention of 12 August

1949 Relative to the Protection of Civilian Persons in Time of War, to which Israel is a signatory.

Another instrument of international law Israel is bound to respect is the Universal Declaration of Human Rights. The preamble of the declaration speaks of the "equal and inalienable rights of all members of the human family" and declares it "essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law."

This declaration, regarded as the Magna Carta of our times, was unanimously adopted by the United Nations in December 1948. Four years ago, Israel celebrated the thirtieth anniversary of its adoption with a display of rhetoric. The hypocricy of this celebration is demonstrated by Israeli practices in the Occupied Territories during the past 16 years, practices that openly and clearly contravene the sacred maxims of international law, including the Universal Declaration of 1948.

The colonization of the Occupied Territories is one example. Article 49 of the Fourth Geneva Convention[1] prohibits an occupying power from transferring parts of its own civilian population to an occupied territory. The Hague Convention and the Universal Declaration of Human Rights prohibit the expropriation there of private property. Yet between 1967 and 1978, Israeli authorities confiscated more than 1.5 million dunams (150,000 ha) in the West Bank and are persevering in this policy day after day. More than 100 new settlements have been established in the West Bank, the Gaza Strip, and the Golan Heights, where ex-minister Ariel Sharon has plans to settle about one million Jews.

New settlements were also established under the terms of the so-called peace treaty with Egypt. But "autonomy" agreed on in the treaty should apply to the inhabitants of the West Bank, not to the land! Consistent with this policy, a new municipal and administrative unit was established for all Jewish settlements under exclusive Israeli jurisdiction. This means the de facto annexation by Israel of the territories in which the settlements are situated.

More than half of the 5.8 million dunams (580,000 ha) that constitute the West Bank's land area (outside Jerusalem) are now under Israeli control, according to Dr. Miron Benvenisti, former deputy mayor of Jerusalem. "Under such circumstances," he said, "West Bankers see themselves in a battle for survival. The battle begins in the fields and the springs and wells of the West

Bank"(*Jerusalem Post*, September 10, 1982). This truth is even more eloquent and explicit now after the invasion of Lebanon. Following the reelection of Prime Minister Begin in July 1981 and the nomination of Mr. Ariel Sharon to the post of defense minister, the expropriation of land in the Occupied Territories and colonization there have gathered unprecedented momentum, and thousands of dunams have been confiscated. As it is written in Jeremiah, "Woe to him who builds his palace on injustice, his chambers upon fraud, who forces other men to work for nothing, holding back their wages." The houses of the settlers, built upon fraud and injustice, are also a springboard for attacks on the Palestinians. The attacks of the Jewish Qiryat Arba settlers on the Palestinian inhabitants of Hebron, who were never accused of anything and yet were tortured and also mauled by settlers' dogs, are notorious.

In the last months before the invasion of Lebanon, provocations escalated throughout the West Bank. Settlers attacked the Palestinians, shooting them, forcing them to clean the streets of stones thrown during demonstrations. Moreover, settlers are now establishing their own militia, similar to those of the Phalangists, and have declared that they will "deal" with the Arabs by themselves. They claim that such action is their vested right and have amassed arms. These attacks are regarded as self-defense, not crimes, and so go unpunished by the authorities.

Deportation is another example. Article 49 of the Fourth Geneva Convention[2] was drafted in response to the mass deportations of Jews and other nationalities during World War II. It expressly and absolutely prohibits an occupying power from forcibly transferring or deporting civilians. Israel has nevertheless maintained an open policy of deportation clearly aimed at depriving the Palestinian population of intelligent and active leadership. Doctors, judges, labor activists, lawyers, priests, and mayors have been deported during the years of occupation. In the early period, mass deportations were enforced in the Latrun area of the West Bank and in certain villages in the Golan Heights.

The Israeli authorities have cynically declared before the High Court of Justice that they are not bound by the Geneva Convention. They reemphasized this stand during the international campaign to protest the expulsion of Nablus mayor Bassam al-Shaka'a, and later the mayors Fahd Qawasma [Hebron] and Muhammad Milhem [Halhul] and Shaykh Rajab al-Tamimi [the religious leader of Hebron]. The expulsions were condemned by the family of nations

and by many Israelis. Deportation is contrary to Article 9 of the Universal Declaration of Human Rights and to all established precepts of customary international law.

Failure to repatriate and reunify families and the restriction of movement are other Israeli policies that contravene international law. Article 13 of the Universal Declaration states that "everyone has the right of freedom of movement, including the right to leave any country, including his own, and to return to his country."

This sounds ironic to Palestinians. The Palestinians' "right" to leave their homeland is often an obligation. It is sometimes the price they pay for their liberty: Many administrative detainees are offered freedom in exchange for leaving Palestine for good. They have refused this offer with indignation. But while Palestinians are strongly encouraged to leave by Israeli authorities, returning to their country is almost impossible. The hypocrisy and double standards of the Israeli establishment are obvious. All rights to an undivided family, to reunification, are sacred where a Jewish family is concerned, especially in the Soviet Union. But the same rights immediately lose their sanctity where the reunification of a Palestinian family is concerned. Such double standards are typical of the morality "developed" by the occupier.

Even the right to freedom of movement inside the Occupied Territories is subject to the arbitrary will of the occupation authority. Many Palestinians and the Arab inhabitants of the Golan Heights are restricted by administrative decree to their homes and villages. Another restriction is prolonged curfews, which have become a common phenomenon. During the curfews, the defenseless civilian population is exposed to cruel and indiscriminate oppression, which has recently been condemned by Israeli public opinion.

The Fourth Geneva Convention explicity prohibits collective punishment, stating, "No protected person may be punished for an offense he or she did not personally commit. . . ." Yet during all these long years, collective punishment has become a trademark of the Israeli occupation. In the course of the occupation, almost 20,000 Palestinian homes have been demolished. The legal basis for this action is the British Defence Emergency Regulations of 1945. A house may be demolished by an order from the minister of defense if one of its inhabitants is accused, or even suspected, of committing an illegal act against the authorities. Thousands of women and children remain roofless as a result. The principle incorporated in the Geneva Convention that reprisals against protected persons and their

property are prohibited was, and is, ignored, and arrogantly so, with the silent complicity of the United States. The recent demolition of four houses in Beit Sahur and Bethlehem that left dozens of adults and children homeless is a sign that the government is intent on continuing its policy despite the anger and indignation of many Israelis.

The maltreatment of detainees is another area where the Israeli authorities have violated, and continue to violate, international law. The most troubling of the alleged human rights violations are those relating to torture and the physical abuse of detainees. There is no need to cite a special authority to prove that such practices contravene international law. They are prohibited under customary law as codified in numerous international documents, including the Universal Declaration of Human Rights, the Covenant on Civil and Political Rights, and the Geneva conventions. Article 5 of the Universal Declaration states that "no one shall be subject to torture, inhuman or degrading treatment or punishment."

Press reports have exposed for years, although only partially, the sad truth about the alarming tortures to which the Palestinians have been subjected. I have seen with my own eyes many victims of torture. I have seen the marks on their bodies and was active, together with other progressive people in Israel, with organizations and parties, and especially with the League for Human and Civil Rights, in protesting these crimes and in trying to put a stop to them. Torture is a common practice of the Israeli Shin Bet investigators, who are charged with maintaining public order inside Israel. It is taking place today in Hebron, Gaza, Ramallah, and Jerusalem, claiming new victims. All complaints to the authorities (forwarded by me and by others) have been lodged in vain.

The prisons are terribly overcrowded. New prisoners arrive every day, including those hundreds of demonstrators unable to pay the heavy fines imposed on them, pupils who raise the Palestinian flag or write slogans on the walls, and all the others who oppose the occupation with every means at their disposal.

Fresh air, sunshine, and sometimes even water are very precious in the prisons. Prisoners spend 23 out of 24 hours in overcrowded cells, sleeping on the floor, sometimes sharing a mattress with another prisoner. Detainees are given only just enough space to stretch their legs. This is their living space where they eat and read and pray. And if they dare to complain, there is solitary confinement. The prisoners do not comply with this bitter fate, which they call the

"death sentence by installments." They struggle for human living conditions with the only weapon they have: their bodies. Some have gone on hunger strike for months, but the stubbornness of the establishment has not been shaken.

The occupation authorities have also decided to wage a cultural struggle against the Palestinians. Hundreds of books, among them classics, are banned in the West Bank and Gaza. Hundreds of the possessors of such books have been charged and convicted in military courts. We, the people of the Book, are forbidding another people to read and to paint pictures according to their ideas and wishes in a deliberate attempt to control not only their bodies but their minds.

There has been an actual military takeover of Palestinian universities. The few freedoms remaining in Palestinian educational institutions have been curtailed in order to prevent the national aspirations of the Palestinian people from developing. According to Order No. 854, all institutions of higher learning now fall under the jurisdiction of the military authorities who issue licenses and permits to students and faculty members who wish to join the institutions. Dozens of foreign university teachers have been expelled because they refused to sign a political statement against the Palestine Liberation Organization. Additionally, the universities, especially Bir Zeit, have been a frequent target of army attacks and harassment.

Trade union rights are also suppressed in the Occupied Territories. The Israeli authorities arrogantly interfere with trade-union activities by virtue of Special Order No. 825. According to this order, the general commander is entitled to obtain information on candidates or members of a union's executive committee 30 days prior to any union election in order to check if a candidate has been convicted in court of a crime carrying a sentence of five or more years imprisonment or involving a civil disturbance. Many trade unionists have been jailed, tortured, and ordered not to continue their activities.

The minister of defense is now implementing an iron-fisted policy in the Occupied Territories together with the heads of the Civil Administration aimed at sanctioning and perpetuating the Israeli occupation.

The West Bank and Gaza Strip cannot remember such blood as was shed among the civilian population, mostly children, last year, nor such brutal interference in the everyday life of the population. After the elected mayors of Bira, Nablus, and Ramallah were ousted from their posts in March 1982, the town councils were dissolved, and

Israeli mayors were appointed in their place. The population replied to these steps with a wave of protests; 31 new Palestinian graves, unmarked, appeared to commemorate the new policy. Between March and October 1982, hundreds were injured, and an immense amount of sorrow and bitterness was created. Today, the shooting at will of demonstrators or even "suspects" continues, and Palestinians are being wounded and kidnapped anew by the settlers, fresh victims of humiliation and torture.

The inhabitants of the Golan Heights have also been oppressed and suffered human rights violations under the Israeli occupation. Their plight is similar to that of Palestinians in the West Bank and Gaza. On December 14, 1981, the Knesset suddenly passed the Golan Law, which the government has begun to implement by brutal force. The inhabitants of the Golan Heights have opposed this law, refusing to comply with its strictures.

Palestinians in the Occupied Territories are "compelled to have recourse, as a last resort, to rebellion against tyranny and oppression," as stated in the Universal Declaration of Human Rights. The oppressors themselves are responsible for this rebellion and its tragic results by their stubborn denial of any rights to the Palestinian people, a people whose third generation is growing up in refugee camps, a people who will not surrender. Day by day, more and more Israelis come to recognize this fact and condemn the occupation, regarding it as even more of a disaster to their own people and country than to the victims of the conquest. They realize that they are paying for it with corruption, galloping inflation, the arms race, and growing dependence on the United States. Israel has become, in the eyes of the world, the Sparta of modern times, a country in which fathers bury their sons. I am now defending the second generation of Palestinians, a fact that speaks both of their heroism and their continuous suffering.

All these inhuman practices—the Camp David accords, and the autonomy plan, the denial of national rights to the Palestinians, the annexation of the Golan Heights, and now the aggression in Lebanon—are aimed at the elimination of the Palestinian people and their national movement, which has crystallized into a heroic struggle for liberation and independence against occupation and oppression. The Israeli authorities hope to destroy the entire infrastructure of the Palestinian people, wherever it exists, wherever Palestinians have found asylum since 1948, 1967, and 1970. This policy means total war, with no mercy shown for women and children.

Palestinian women from south Lebanon are being arrested and held as hostages for their missing brothers and husbands. One of them, whom I have tried to defend, Mariam 'Abd al-Jalil, became insane while in an Israeli prison. Other women are being held incommunicado, and I have failed to find out where they are. There is a concentration camp called al-Ansar, a name that has become an ugly symbol of the Israeli New Order in Lebanon, with all the terrible connotations of these words to us Israelis. The prisoners there are not called prisoners or detainees or even suspects; they are called the "ones brought in," or muva'im in Hebrew—a new word with the terrible meaning of someone without human rights or any legal status under international law.

Thousands are demonstrating in Israel in the ranks of the Peace Now movement, and others are protesting the atrocities committed in the Occupied Territories. Israeli soldiers and officers are testifying about, and warning against, violations of human rights. University professors, students, and others are appealing to Israeli public opinion to stop the fascist practices in the Occupied Territories, accusing the "silent majority" of being complicit in these acts. More than once, the poor have demonstrated under the slogan, "Money for the slums and not the settlements," on which the government is wasting billions of dollars, eagerly supplied by the United States. The Israeli government is tempting its citizens to settle in the Occupied Territories by offering them astonishingly cheap "cottages" and villas there. These are advertized without even mentioning their location.

In closing, I would like to analyze briefly, from the perspective of international law, the right of the Palestinian people to self-determination and a sovereign Palestinian state in the territories occupied by Israel in 1967.

A general guiding principle in international law is that of the right of peoples to self-determination. It is contained in the UN Charter, Article 1(2), which mentions, as one of the Charter's aims, the development of "friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples." It is also set out in Article 1 of the two international human rights covenants, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, both of December 1960, and in UN Resolution 1514 of December 14, 1960 entitled "Declaration on the Granting of Independence to Colonial Countries and Peoples."

According to this body of international law: "The subjection of

peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation," and "all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development."

Other sources of international law pertain to the Middle East conflict. These include various General Assembly resolutions, among them Nos. 3236 (November 22, 1974) and 3237 (November 22, 1974), which reaffirm the "inalienable rights of the Palestinian people in Palestine, including (a) the right to self-determination without external interference and (b) the right to national independence and sovereignty," and grant the PLO the status of observer at the UN General Assembly. Although not unanimously adopted, these resolutions reflect the will of the vast majority of states and confirm the general principle of the right to self-determination as it applies to the Palestinian question.

In addition to these and other recent international resolutions, regional resolutions have been passed by the Lahore Islamic Conference of February 24, 1974 and the summit meeting of the Arab League, held in Rabat the same year. These recognize the PLO as the sole legitimate representative of the Palestinian people and reaffirm its right to establish a national authority over any Palestinian territory that might be liberated.

The last and most significant resolution was adopted in September 1982 in Fez, Morocco. It provides a general solution to the Middle East problem in the context of the body of international law mentioned above. Today, many peace-loving Israelis regard the Fez resolutions as a fair and workable solution for paving the way to a just peace in the Middle East. Many thousands of Israelis now support the right of Palestinians to establish a sovereign state alongside Israel in the territories occupied in 1967. The last resolutions passed by the Palestine National Council (PNC) in Algiers, in which Brezhnev's peace plan was welcomed, are a most convincing token of the Palestinians' desire and readinesss for a peaceful solution.

But the Israeli establishment, supported and encouraged by the United States, totally rejects all peace solutions, proposing instead to intensify its colonization of the Occupied Territories and increase its oppression of Palestinians. The United States gives its blessings to every anti-Palestinian move made by the Israeli establishment. But

this policy is not only hostile and harmful to the displaced and tormented Palestinians; it is also harmful to the Israeli peace forces, to those hundreds of thousands who demonstrate and warn against the policy of expansion and aggression that is so disastrous to the people of Israel, to the region, and to the whole world.

The Lebanese war has demonstrated to the Israeli public and to the world the tragic plight of the Palestinian people. The anachronism in the last decades of the 20th century of a people deprived of all human rights is an offense to the family of nations. It is our sacred duty to put an end to it.

Inquiry by the Jury

David DELLINGER: I believe you are an Israeli citizen of Jewish origin and a lawyer and that you have defended many Palestinians, as well as other clients. Is that correct?

LANGER: I have defended thousands of Palestinians, and I am now defending the second generation of Palestinians, the sons and daughters of my previous clients, which is a terrible admission to have to make. I defend other clients as well, but I have devoted the last 16 years of my life mainly to the defense of Palestinians.

IE Masaharu: Your testimony was particularly significant in light of international law. The Hague Convention of 1907 stresses that an occupier must respect private property and the laws in effect in the occupied territory and details various prescriptions that must be observed in this context. Israel is not a signatory to this convention. However, I believe that the main provisions of the convention have become a part of international customary law and as such must be respected by Israel, whether or not it has actually signed the document. I would like to know your opinion.

Second, you said that the right of self-determination of the Palestinian people derives from the UN Charter. In fact, the right of a people to self-determination has been recognized by international law since the second world war. But I believe that Article 22(4) of the Covenant of the League of Nations also recognized the Palestinians' right of self-determination, albeit with certain conditions attaching.[3] Can you tell us more about this?

LANGER: With respect to the first question, I agree. The Hague

Convention is part of international customary law by which every country must abide. Officially, according to Supreme Court decisions, Israel adheres to the Hague Convention, but that is a matter of interpretation, and I am not free to comment on the judgment of the Israeli Supreme Court. I think that the authorities' interpretations of the Hague Convention do not always reflect the spirit of that document.

Even the Israeli General Staff quotes the Nuremberg judgement to discredit the excuses used by Nazi war criminals to justify their acts. In 1961, the General Staff issued orders to Israeli soldiers to comply with the Fourth Geneva Convention. In the booklet containing these instructions is the injuction, binding on every Israeli soldier, to comply with international law in occupied territory. But that was 1961. At that time, the army did not imagine it would come to occupy such a large empire, that the occupied people would not comply with the occupiers' orders, that they would resort to rebellion as the Universal Declaration of Human Rights states is their prerogative.

The official Israeli stand is not to recognize the provisions of the Geneva Convention either as contractual or customary law, and the authorities take a very selective attitude toward the Hague Convention. For instance, the Hague Convention outlaws collective punishments. We claim that the destruction of Palestinian homes is a collective punishment outlawed both by the Geneva Convention, which incorporates much of the Hague Convention, and by the Hague Convention itself, which has the status of customary law. But to my great regret, we have not succeeded in convincing the Israeli Supreme Court of this. Following a high court decision, a number of Palestinian houses were recently demolished. So the problem of the Hague Convention is a problem of interpretation.

You say the right of self-determination goes back to the League of Nations. Of course this right, this precept, is an old one. I have stressed it in the context of newer agreements and documents because the push to recognize this right gained considerable momentum after World War II when so many new nations achieved statehood. All I can say without having the pertinent documents before me is that the right of self-determination is a natural and vested right, and in my legal opinion, its denial to the Palestinians is a crime under international law and a clear violation of the UN Charter. Israel was created by the United Nations. It is therefore under special obligation to the United Nations to comply with its

charter. We can even say that this was one of the preconditions for admitting Israel to UN membership. It is sheer impertinence and arrogance for Israel to so flagrantly violate the UN Charter in this respect.

MORIKAWA Kinju: As a lawyer, I would like to ask what are the most frequent kinds of cases you deal with. I believe the situation in Israel is very difficult for lawyers. Are there many like yourself [who defend Palestinians]? Do the Israeli courts observe the rule of law; that is, are lawyers effective in defending their [Palestinian] clients? Finally, could you explain to us something about the legal system as it operates under the Israeli constitution?

LANGER: With respect to the first question, I handle the cases of demonstrators, of those who use the colors of the Palestinian flag, which is forbidden, of those who possess arms, of those who belong to various Palestinian organizations and of those who oppose the occupation with arms. But I do not handle cases where the civilian population are deliberately chosen as targets and hit. My opposition to this kind of struggle is my personal difficulty. As I oppose and condemn it vehemently when this kind of struggle is waged by Israelis, so I cannot condone it when resorted to by others.

Lately, I have also dealt frequently with land cases. I see this field as a very important one. It is perhaps the most important area in which the Palestinian cause can be defended, and the cause of my people, too, because the two are interrelated. I also defend Palestinian children. This is my special love, but it is very, very sad to defend the sons and daughters, the young sisters and brothers, of previous clients.

I must say that political opposition to the occupation is much more hated by the Israelis than any other kind. The people tortured most severely are those who oppose the occupation politically. The victims whom I have seen with wounds and scars, whom I have seen bleeding from the tortures inflicted on them, were those who opposed the occupation politically, and mainly those who spoke of achieving peace, justice, and understanding with the Israeli people. These are the most hated, abused, and tortured people. This is very significant and important to understand, because it is another token of the fear and hatred of peace that characterize the Israeli establishment and those who serve it in the Occupied Terrritories. I want to say here that despite all this, opposition to the occupation has not stopped once in all these 16 years. And I am encouraged by those who are, with such immense heroism and steadfastness, opposing the most

sophisticated, cruel, and organized occupation of modern times.

Are there other lawyers engaged in the same work? Yes, I have colleagues. I am proud to have such a colleague as a witness here with us today. But we are all part of Israeli society, and the polarization of Israeli society Mr. Zichroni described affects the Israeli Bar Association, too. So I can't say we are numerous, but any colleague who is doing this difficult work is for me and for others a real source of strength and encouragement.

I was asked about the constitution and the courts. This is not an easy question, and I will limit my reply to saying that Israeli courts try people according to the laws prevailing in Israel and in the Occupied Territories. There is a Latin maxim to the effect that even a harsh law is still the law. If a military or other judge applies a Draconian law, the law sticks. An example is the British Emergency Defence Regulations, which make membership in an illegal organization an offense punishable by up to ten years in prison, whereas in a civilian court the penalty is only one year or so. We have many undemocratic Draconian laws in our penal code.

But that does not mean I am helpless in the Israeli courts. For the past 16 years, Palestinians have come to me. If I were completely helpless, this would not be the case. There are judges and people with consciences. There are good judgments, and sometimes there are merciful people, and I think that in the courts we are still able to lessen the sentences of our clients. We are occasionally able to expose something that was concealed before. We still have our faith in the natural yearning of human beings for justice, and judges are often this kind of human being.

It is difficult to describe the Israeli legal system. We have no constitution. We have been struggling in the parliament to enact laws guaranteeing human rights, and one of our parliamentarians engaged in this fight, the mayor of Nazareth, was here earlier. Unfortunately, we must rely on the judgments of the Supreme Court for precedents, and again unfortunately, we remain a country without a constitution.

KASHIWAGI Hiroshi: In Israel, is it a crime merely to advocate peace?

LANGER: No, it is not a crime as such in the Israeli penal code. But those who, all their lives, have aspired to occupy, conquer, and rule another people consider it a crime. For them, the image of an Arab is a stereotype, that of a bloodthirsty warmonger who wants to conquer Israel and spill the blood of Israelis, who will never accept our existence. So if an interrogator who has been educated in this chauvinist, racist spirit suddenly gets his hands on a Palestinian who

does not fit the stereotype, he can do terrible things to him. Imagine Asad 'Abd al-Rahman here. He is the opposite of this stereotype. He is intelligent, he is not a warmonger, he does not want to eat us. And he is right. A client of mine, Mr. Suleiman Elaja, devoted his whole life to peace and understanding between peoples. He was imprisoned by the Jordanian regime for his convictions. When he told his Israeli interrogators later that "we want peace, we want contact with the Israeli public, we want our rights, we hate the occupation, our souls are Palestinian and we demand peace," he was so brutally tortured that when I went to visit him, only the wreck of a human being remained. I don't know how he survived. But his is not the only case. Many, many people met the same fate, especially in 1974. I have described what happened to them in my book, *These Are My Brothers* (Ithaca Press, London, 1979).

An earlier book, *With My Own Eyes* (Ithaca Press, London, 1975), preceded it. The victims of tortures described in the second book are all peace partisans. If someone paints a Palestinian flag, or speaks about coexistence, or a Palestinian state—not about the destruction of the Israeli state but about a Palestinian state—or talks about the resolutions of the Fez conference, which implicitly recognize the existence of the state of Israel, he or she is beaten, tortured, and humiliated in a terrible way. So the penal code does not say it is a crime to speak of peace, but the real criminals consider it a crime nonetheless.

R. K. GARG: Do I understand you correctly when you say that the nature of the Israeli state is such that the restriction of human rights is its very object? Would it be correct to say that every successive government in Israel has consistently followed a policy of expansion, aggression, destruction, and colonial settlement in order to advance the strategic aims of a very powerful U.S. war machine?

LANGER: I don't know whom you are quoting, but I didn't say that.

GARG: I heard the witnesses this morning say things to that effect.

LANGER: I don't think that a state is an unchangeable entity. I agree with you about the government of the state of Israel and the governments we have had up until now. All past governments, including the Labor governments, pursued the elimination of the Palestinian question, that is, the liquidation of the Palestinians. The sins of Mr. Begin begin with the Labor governments. Prior to Mr. Begin's election in 1977, 76 or 77 colonial settlements were set up in the Occupied Territories. All were established by Labor governments. And all the crimes and atrocities, Qibya, Nahhalin, Kafr

Qasim, the tortures about which I have written—all were committed under Labor governments. These acts paved the way for Mr. Begin, just as social democratic regimes are paving the way for similar people in parts of the world today.

But I do not think that the state is unchangeable. We are struggling together with the peace forces in Israel to create another government. Something new is happening now inside Israeli society, and I hope that as a result of the Lebanese tragedy, a new political force will emerge. The lack of consensus during the Lebanese war is symptomatic. I do not wish to exaggerate the support of the masses for the establishment of a Palestinian state. It would not be fair, nor would it serve any useful purpose. Still, not to see the new developments, the new striving for peace, the anger and condemnation of Begin's policy by thousands of people, would, I think, be a political mistake. Therefore, I hope that in our lifetime there will be another government of Israel and that that government will abandon completely the policy of expansionism, of annexation, of the denial of Palestinian rights. The Israeli state would still exist, but it would be a different color and would project another image.

Unfortunately, governments have come and gone and still nothing has changed. But I hope that with your assistance, with the aid of world opinion, and with the pressures you can bring to bear upon your governments—and particularly upon the United States—a new government will emerge in Israel. The core of the problem is U.S. support for Begin, without which Begin is not Begin. The United States is bribing the Israeli voters to vote for Begin. Without the massive economic and financial help of American imperialism, there would be no Begin-Sharon government, no invasion of Lebanon, no annexation. Every Jewish settlement in the Occupied Territories is built with American dollars. So please do everything you can to put pressure on the United States. Then you will be able to help the peace forces in Israel, because the two are interconnected.

GARG: Every law in every state sustains that state and reflects the character of that state. If the state of Israel is created and sustained by American money and arms, if it violates international law and behaves as an international outlaw, then would you agree that law in Israel is practiced within that framework and that you, too, must defend human rights within that same framework?

LANGER: Of course law in Israel exists to sustain Israel as a state and to serve the interests of the ruling class in Israeli society. But don't forget that the law is also made by human beings, and among them

are members of the Israeli Knesset. Some Israeli parliamentarians have tried to influence Israeli laws for the better. The law is not a static factor.

But I have to confess that I operate within a certain system, although I try to do my best within the limits of that system, working through its administrative and judicial bodies. And don't forget, I'm a Marxist and as such don't boycott or abandon any establishment that I can use to benefit the people and further human rights.

Eduardo del RIO: Are there restrictions on freedom of the press in Israel? Are there non-Jewish mass media? And finally, is there a difference between the kind of restrictions imposed on Jewish media and those imposed on Palestinian or non-Jewish media?

LANGER: Yes, we have censorship in Israel, under the provisions of a colonial English law, the Emergency Defence Regulations of 1945. But there is another kind of censorship, a self-imposed, voluntary censorship that is very harmful because it implies a conspiracy of silence. Some journalists are so biased by their political views that they act like politicians, not reporters, and refuse to cover or write about many things.

For instance, news of Sabra and Shatila was filtered into the Israeli press drop by drop via television, yet we still didn't get the overall picture. In Israeli cinemas we cannot legally show the slides we have seen here today. And we cannot publish many things about atrocities in Israeli newspapers. Another example is that of Mariam 'Abd al-Jalil, a young Palestinian woman who went insane in an Israeli prison. I was not allowed to see her and petitioned the Supreme Court about the case. All of this information was censored inside Israel, and yet it is so innocent compared to the other atrocities we have seen. My first two books were met in Israel with complete silence—unofficial, not official, silence. The authorities are so sensitive, so afraid to let the population know what is happening. I am sure that these books are better known in England, France, or even Japan than in Israel. The conspiracy of silence is a very powerful weapon, and a sin of which the Israeli press is guilty.

On the other hand, there are many courageous, conscientious Israeli journalists who are disseminating vital information about the real situation. And of course there are the Arab press and mass media. Two daily newspapers are published in East Jerusalem. It is a shame that even names appearing in advertisements are censored in these newspasers. Radio transmissions, too, are heavily censored. It is a mockery of democracy, something really shameful. And those are

the "mass media." Other news media, such as television, are entirely in the hands of the Israeli government.

It's illegal, you know, to interview Palestinian mayors and especially those who have been objects of assassination attempts, such as Bassam al-Shaka'a [Nablus], Karim Khalaf [Ramallah], and Ibrahim Tawil [Bira]. The perpetrators of these crimes have never been apprehended. The best secret police in the world, the Shin Bet, and the very sophisticated Mossad [Israeli intelligence] haven't been able to discover the identity of those who committed these crimes. But who is punished? Mr. Shaka'a! He cannot appear on Israeli television; he is confined to his home; and the Israeli media must suppress all information about him—and about what is going on in Israeli territory. This brainwashing starts at home. You must first conceal the facts. When they are discovered, you try to distort them. Then you can really begin to control the minds of your people.

DEL RIO: Are there political organizations for Arabs in Israel? Is there a political party that represents their interests, and is there any Arab representation in the Knesset?

LANGER: Are you talking about Israel proper, or about the Occupied Territories?

DEL RIO: Israel proper.

LANGER: Arab political parties are represented in the Knesset. Almost all factions have one or two Arab Knesset members. The main political forces in Israeli society together with the Democratic Front for Peace and Equality plays a [deciding] role in the life of the Palestinian Arabs in Israel, who, while constituting an integral part of the Palestinian people, are also Israeli citizens under law. Mr. Tawfiq Zayyad represents this faction in the Israeli Parliament. In the Occupied Territories, of course, there is no legal political life at all. Not only are parties forbidden, but it is a crime for even three or four people to gather and speak critically of the occupation.

DEL RIO: Would you say a word about Israeli prisoners? You have talked about the Palestinians, but are there political prisoners of Jewish origin in Israeli prisons, and if so, why are they there, what are their offenses?

LANGER: As far as I know, Israel's new political prisoners are those soldiers who refuse to serve in Lebanon. Conscientious objectors are a source of pride for us. But it is still a recent phenomenon, and we are not satisfied with the number of conscientious objectors, which is still small.

David DELLINGER: Can you give us an idea of the number?

LANGER: The number fluctuates because the prisoners are held for varying periods, one, two, or three months. I think we have seven or eight, but I'm not sure.

[UNIDENTIFIED]: The exact number is 40.

LANGER: Forty! There, you see? It's a sin that I don't know that. My license to defend Israeli prisoners was revoked because I met with PLO officials, so I'm not up to date on what is happening to these [Israeli] victims of the occupation.

David DELLINGER: Who made that decision?

LANGER: The decision was made, or proposed, by the Israeli chief of staff in 1976 or 1977 after I met with PLO officials. The Israeli Shin Bet claimed that Mr. Yasir Arafat had called me a "friend of the Palestinian people." So the chief of staff proposed to the attorney general that my license to defend Israeli soldiers in courts-martial be revoked. This is a very severe punishment, one that has implications for other kinds of trials. And unfortunately, the Supreme Court justified the decision, saying that while I am not a criminal and basically a good person, the mere fact of meeting PLO officials exposes me to bad influences and possible manipulation and that it is therefore unwise to give me access to Israeli soldiers. Can you imagine?

To complete my answer to your earlier question, I believe that there are still one or two Israelis in prison for belonging to certain leftist groups during the early 1970s, but here again, I am not sure how many. House arrest and restriction to one's town or village are punishments imposed on Israeli Palestinian Arabs in Israel proper. In the Occupied Territories, there are nearly 5,000 Arab political prisoners at any one time. Cumulatively, over the last 16 years, they number in the hundreds of thousands.

DEL RIO: Could you tell us about discrimination against Sephardic Jews, including political, legal, and other forms of discrimination?

LANGER: There is no legal discrimination. All discrimination is social, and it is deeply rooted in Israeli society. The terrible sins committed by the Labor governments and now by Begin are the fruits of this discrimination. The Sephardim were neglected for years and not granted the social advantages to which even poor people are normally entitled. The years of neglect have created a very deep gap in social and educational terms between the Sephardim and the Ashkenazic Jews. Of course it is dangerous to generalize. There are many poor Ashkenazim who cannot afford to study at universities and who have no important task to fulfill inside Israeli society. But it is a fact that

the Sephardim comprise the most neglected and poorest stratum of the Israeli population. Almost 90 percent of juvenile delinquents are Sephardic Jews who have lived in slums for years, who have not had the same opportunities as others, who have not been permitted to develop as have those Jews who came to Israel from Europe, America, etc. Please bear in mind, however, that this answer is only a partial and superficial one.

The important point is that even inside the peace movement, one gets the impression that the Ashkenazim are playing the main role while the Sephardim are with Begin. That is not entirely true, but it is much easier for Begin to influence those people who have been left behind by the rest of society. I am distressed to see that the strongest supporters of fascism and Begin in Israeli now are precisely these poor and abandoned people. I hope that one day they will realize they are being cheated and manipulated.

BAE Dong Ho: Listening to your testimony, I feel as though you were describing the situation that exists in my own country [South Korea]. You said that the state of Israel was created by the United Nations and that it is being maintained by virtue of American military and economic might. I would like to know if the United States had the power to prevent or put a stop to the Israeli invasion of Lebanon. For instance, it was widely reported by the media that special envoy Philip Habib intervened during the invasion. If it had really wanted to, couldn't America have put a stop to Israeli aggression? It seems doubtful that Israel could continue to deny Palestinians a state of their own based on the principle of national self-determination without American support. The Korean people, too, have recently understood clearly that it is the United States that is obstructing their demands for democracy and the reunification [of Korea]. What should the United States do to promote the genuine democratization of Israeli society and resolve the Palestinian problem, and what kind of movement should we build in order to realize these goals? Your answer will be of particular interest to people struggling for democratization and reunification in Korea.

LANGER: The United States conspired together with Israel to invade Lebanon. It was in America's interests, but I don't think Washington achieved what it wanted to. Nevertheless, it was a very clear alliance. I was in the United States during the first days of the invasion, which was greeted with cheers by the American press. I was astonished and shocked to see that the two leading U.S. dailies, the *Washington Post* and the *New York Times*, wrote lead articles suggesting that Lebanon

is not a sovereign state, that "peace," not Lebanon, was the question. They justified the invasion, saying that since Lebanon is not a sovereign state, invading it was no transgression. The conspiracy was so obvious nobody could deny it.

But after news of the atrocities trickled into the mass media, public opinion in the United States began to change. The heroism of the Palestinian and Lebanese people changed it. I was in Washington when I learned of the invasion. I was shocked, of course, and worried because I didn't know how to return home. Then I was told that the invasion would be over in 48 hours. But obviously somebody forgot the existence of the Lebanese and Palestinian inhabitants, who fought back. Their heroism, the heavy casualties they sustained, and the destruction of Lebanon worked some changes in American public opinion. The indignation and condemnation of the invasion the world over also changed people's thinking in the United States. Mr. George Shultz succeeded Alexander Haig as secretary of state and has since handled the situation with more elegance, albeit with the same stick.

To answer your question, if the Americans had said something, the invasion would never have been launched. But they didn't say a word; they wanted Israel to go through with it and accepted and complied with the Israeli plan. Occasionally they got angry with Mr. Sharon, but it was really a family spat between husband and wife. They get angry with each other sometimes, but no one is talking about a divorce. There's no divorce in that marriage. The marriage between the United States and the Begin government is a Catholic marriage; it's supposed to last forever.

The invasion is really an American crime. Of course, there are degrees of culpability. As a Jew and an Israeli, I hope that someday a new Nuremberg trial will be held to bring these criminals to justice. I say that as the wife of a man who survived five Nazi concentration camps—I live with the Holocaust in my own home, in my own family. Perhaps then we will make distinctions and find degrees of guilt. For the sake of the Palestinians and for the sake of my people, too, I hope so much that this trial will be held in our lifetime. Then we shall show the world just how stained America's hands really are with Palestinian blood, and with Israeli blood.

I say with Israeli blood because the United States was willing to fight to the last Israeli soldier in order to test its sophisticated weapons. It was willing to show which was the better weapon by testing them on the bodies of children. This is disgusting and shameful. Believe me, I have been very strict with myself and tried

always to remain within the letter of the law in my condemnation of Israel and the United States, but my outrage is terrible. I want to transmit my outrage to you. I want you to feel what I feel as a Jew and as an Israeli. I want you to feel the shame, the indignation, the terrible, terrible anger that so many years after fascism was defeated in Europe and Japan we are now facing a new fascist attitudes in the Occupied Territories and in Lebanon, a fascism inspired and supported this time by U.S. imperialism.

Israel can do nothing without the backing of U.S. imperialism. If the $3 billion in U.S. aid given Israel annually were ever cut, Begin would lose hundreds of thousands of votes overnight. I appeared before the U.S. Congress during the invasion, and I told the congresspeople who attended the meeting, "If you really care about Israel and its existence, if you really care about the survivors of the Holocaust, don't give money to Begin, because by giving him money you are perpetuating his regime."

The Americans, too, are criminals. I suggest we put pressure on the U.S. government to stop its support of Begin. There are many ways of doing this, and whoever does so is really contributing to the cause of peace and justice in the Middle East and in the world, because peace and justice in the Middle East and in the world are inseparably linked.

NOTES

1) See Legal Reference D, p. 298.
2) Ibid.
3) See Legal Reference C, p. 297.

DOCUMENTS SUBMITTED BY WITNESS FELICIA LANGER

A) REPORT ON THE VIOLATIONS OF HUMAN RIGHTS IN THE CONQUERED TERRITORIES

by Advocate Felicia Langer, Vice-President of the Israeli League for Human and Civil Rights (19 January 1983)

Following the war in Lebanon, public attention has been diverted toward the crimes in Lebanon and thus the occupation forces can intensify oppression in the Occupied Territories and no one stops them, says Advocate Felicia Langer in her foreword to this report presented to the League for Human and Civil Rights in Israel on January 10, 1983. In this report, she gives details of recent events in the Occupied Territories.

1. Attacks on the Trade Unions and Minimal Freedom of Expression

The trade unions have long become a "target" for the occupation forces, but recently the authorities have declared war against them. An example is the Ramallah trade union. Their club was closed for two months by orders of the military governor, all written materials were seized, and its secretary, Bassem Barguti, was arrested and charged for holding forbidden material of political significance. He was held prisoner for 25 days under inhuman conditions until his trial on January 8, 1983. Contrary to the custom for such cases, the prosecution demanded a long period of imprisonment.

The prosecution pleaded for this severe sentence so heatedly that the judge had to cool him off and remark that for several of the charges, there were no grounds for trial. *The prosecution claimed that the material was obscene, since the publications included the colors of the PLO flag,* because the calendar issued by the trade union includes a drawing of a Star of David and a crucified woman, a symbol of Palestine; that several publications, permitted and censored in Jerusalem in the papers *al-Taliya, al-Katab, al-Sha'ab*, which have been forbidden to be distributed in West Bank for some time, include defamation of the Israeli army's purity of arms; *that one of the calendars includes a demand for the release of the al-Ansar prisoners;* and that in one publication, the *word* PLO appears. . . .

I claimed that using the colors of the flag is not the same as using the flag itself and that the colors of red, green, black are the colors of many Arab states and of other states as well and asked how far we have come that the very colors can be an offense. I claimed that the drawings are far less strong than antiwar drawings that appear in the Israeli press, than stronger attacks on the war and the occupation written by Israelis. B. Barguti, secretary of the trade union, described TV programs in which there was criticism and the word PLO was mentioned. *B. Barguti was sentenced to six months in prison*— actually two months in prison and a fine of 1,000 shekels, a symbolic fine.

The military judge stated that concerning the calendar with the flag colors, "*Everyone who looks at it thinks at once about the flag—it unifies all those who support that flag—and thus it has political significance.*"

2. Detainees, Especially the Students from Bir Zeit

One of the aims of the military regime in the West Bank is to attack the universities, and this policy has been practiced for years. During the last year, things have become worse as hundreds of foreign lecturers were forced to leave the region, having refused to sign political statements against the PLO. The authorities consider it almost a crime just being a student of Bir Zeit University.

In mid-December 1982, I was given power of attorney to represent and deal with the detention of four Bir Zeit students: Eissam Wadia Nassr, Farag En Hasib Muhammad Omar, Muhammad Daud Mahguna, and Ali Fars Hasan Hatib. The story of Eissam Nassr is representative of the methods used in the territories, particularly that of taking hostages.

When Eissam was not found at home, the police arrested his brother Hisham, and only after I intervened and threatened to go to the Supreme Court was the younger brother released.

Such things happen often. Sometimes the identity cards of family members are taken or other members of the family are taken in order to put pressure on the family to disclose the location of a person wanted by the authorities, who often has not done anything illegal. In this case, the "wanted person" arrested was released on bail on December 28, 1982 since there was no evidence against him.

Muhammad Mahguna was also released but the other two were not brought to court since they simply disappeared . . . and after searching for them they were found in prison in Ramallah. I saw Farag in prison on January 2, 1983 but was not permitted to interview Ali and two other students (Essam Muhammad Ahmad Beirat and Essam Yusuf Subah) and a 24-year-old Ramallah inhabitant by the name of Nidal Zaki En al Magid. I presented a request for their release on bail. The police agreed to release Essam Yusuf Subah. The request for the release of the others was rejected, since the police presented the military judge with material I wasn't permitted to see, and the military judge found in it incriminating evidence justifying the imprisonment of my clients. *I could not defend them since I did not know what they were accused of.*

Then the detainees wanted to complain about torture and beatings they had suffered during their interrogation. They testified about it under oath. Farag told the court that he was beaten all over his body, and especially on his genitals, so hard that he could hardly walk, all in the attempt to force him to admit to a lie, that he is a member of an organization, but he refused to do so. The interrogator threatened him with electric shocks. Only then did Farag confess to being a member of the organization, although it was not true. He also complained that the interrogators had beaten his head against the wall and kicked his genitals.

Essam Beirat told the judge that for four hours he had been forced to stand up and sit down until he collapsed totally exhausted, all covered with sweat. When his interrogators saw he was sweating, they told him to undress and took him to a cold shower. The interrogators also spat on his face and forced his mouth open and spat into his mouth. Ali al Hatib told the court that a sack was put over his head and it stank. The interrogators beat his head against the rough wall. He was forced to sit and stand for hours until he became unable to walk. He was also told to sit in his underwear next to an oven, and when he was warm, they poured cold water over him. He would then be pulled up by his hair.

Nidal El Magid (who is not a student) said that they did not let him sleep for almost two weeks and that for four days he received no food or water. The interrogators would pour cold water over him, then let him get dry by the oven and then pour cold water over him again. He was also tied to the wall with handcuffs that were too tight until he could not feel his hands. Nidal was also forced to stand for hours with his head covered. In order to support his testimony, Nidal turned to the policeman who took testimony from him and was present in the court, and reminded him how he had seen Nidal one day trembling and had offered to let him sit by the oven but Nidal refused. "I refused then, because I thought that you would act like the interrogators and pour cold water over me," he said. The man who was most brutal to them was an interrogator called [deleted].

While testifying they were asked several times by the military judge why they didn't complain to the military judge before when their detention was prolonged two weeks, why they were complaining only now. They replied that they were terrified and did not know whether the military judge *who came to see them in prison* was the authority to which to complain.

The policeman who summed up tried to dismiss their testimonies. At the beginning he tried to frighten them saying that if they were found lying they would be punished. I asked to transfer these serious complaints to the legal advisor of the region and the judge agreed. Essam Subah was released without bail and there was incriminating evidence against him. A similar case took place in the military court in Nablus with another student, Abdallah Aluna. I intervened in his case and spent several weeks in the Fara prison. He was released on bail

when the prosecuter was forced to admit that there was no incriminating evidence against him. In this case I myself heard a personal testimony that certain elements wanted to arrest certain students even with no legal grounds. All that matters is that they spend some time in prison. . . . Gamal Alya Banura, a teacher from Beit Sahur, was detained for a week at the Fara prison—for no reason. This proves that it has become a system.

3. Prisons

a. The Fara prison has become a prison for those sentenced to short terms, including students, trade unionists, and other members of the intelligentsia. In July, students from Bir Zeit complained about severe attacks in that prison. I passed on their complaints and was told that the man who was responsible was faced with administrative charges because he had forced the detainees to stand with their hands up. The question is, what happened to the rest of the complaints about forcing the detainees to work hard, humiliating them, and starving them. And why should those responsible only face administrative courts?

b. In the Nablus prison, the prisoners went on strike a week ago, protesting the fact that some of their friends were beaten.

B) A MATTER OF CONSCIENCE: PRISONERS OF WAR IN LEBANON

Memorandum submitted to the Israeli League for Human and Civil Rights by Joseph Algazy (9 December 1982)

Six months after the war against Lebanon began, the fate of the prisoners of war remains shrouded in mystery. This topic has preoccuppied the League since the outbreak of the war, and its committee drew public attention to it in a press conference held on July 12, 1982. Lately there have been reports from various sources (most of which we cannot specify). Adding them up, we were led to the conclusion that we are facing one of the gloomiest aspects of the latest war. We are well aware that the following is only a tiny bit of what is actually happening. The systematic concealment, revealed by the following data about the state in which the prisoners of war find themselves, is in itself a heavy indictment, conveying to us the severity of the situation. Moreover, we are still missing the direct testimony of the prisoners themselves. Nevertheless, the already available material makes it imperative not to keep silent but bring the facts to public knowledge.

THE MAIN DEMAND SHOULD BE: Set free at once all prisoners of war—Israeli, Palestinian, Lebanese, Syrian, and others—by way of a comprehensive settlement, agreed upon by all the concerned parties under international auspices, such as the International Red Cross and the United Nations.

1. How Many POWs Are There?

Having invaded Lebanon, the Israeli Defense Forces (IDF) detained at the time of the hostilities and in their wake (and are still detaining) thousands of people. *The Israeli authorities refuse any request to make public the exact number of people taken prisoner.* An Amnesty International (AI) report of August 9, 1982 estimated the number of people detained (or having been detained) in the enlarged prisoners' camp of al-Ansar (near Nabatiya, south Lebanon) at 10,000. In our estimate, the total number of prisoners (those who were set free already and those still being detained) amounts to approximately 15,000, including children and aged people (Tally Selinger, *Davar*, November 29, 1982), of various nationalities (*International Herald Tribune*, July 12, 1982, quoting "official Israeli sources").

2. How Were They Detained?

According to the AI report, there were Palestinian and Lebanese civilians among the detained, as well as other nationalities. It has been reported that many of them were caught in the streets with the assistance of masked informers and thereupon arrested. This way of arresting people was reported by foreign correspondents during the hostilities. A member of

the IDF told French correspondent Francois Sergeant (*Liberation*, June 22, 1982) that "terrorists are identified by their physiognomy. We have acquired some experience in this respect, but in addition we have lists and informers, too."

Thus young men were detained, anybody who could have been a member of the PLO or was denounced as such, or was supposedly connected in some way with the PLO and its institutions, or received some kind of support (such as a welfare allowance) from the PLO, or was employed in a Palestinian hospital, or supposedly declared his sympathy with the PLO. In our estimate, out of the thousands of Palestinian prisoners, only *a few hundred* actually fought in the ranks of the PLO. The authority to detain people as he deemed fit was bestowed upon every Israeli commanding officer in the field. People were hunted down in the streets, driven together and handcuffed, their eyes were covered, and at last they were taken to the places of detention.

3. Where Are They Being Held?

There are as many places of detention as there are units of command and districts of military government in the occupied territories of Lebanon, and this *in addition* to the central camps of detention, some of which have become known. Until now it has been ascertained that prisoners have been detained in the following places: 1) the concentration camp of al-Ansar; 2) the military prison near Athlith (south of Haifa); 3) a school building of Sidon (report of AI, testimony given by Dr. Francis Capet of Belgium, *Humanité*, July 1, 1982); 4) the Safa Citrus Company, south of Sidon; 5) the military prison in the vicinity of the Megiddo junction (east of Haifa); and 6) the old and neglected Shmuel Harofe Hospital of Be'er Ya'akov (south of Tel Aviv), for wounded prisoners. The collapse of the military government's building in Tyre revealed that it contained rooms of detention and interrogation where prisoners were held (some of them were killed when the building collapsed, others were wounded). Detainees from the West Bank, who had been held in the Hebron prison, said afterward that they had met prisoners from Lebanon there.

The Israeli authorities are concealing not only the numbers of prisoners of war but also the places of their detention. *There is no international agency concerned with prisoners of war and their conditions of detention according to the Geneva Convention, neither is there any humanitarian or other Israeli, who knows where all the POWs are being held.* In order to increase the confusion and thwart any possibility of ascertaining the existence and identity of the POWs and following up the conditions of prisoners and their fate, they are transferred from time to time from one place of detention to another. One gets the impression that whenever a new place of detention is revealed further "bags" come to light where more POWs are held, still to be discovered.

4. Who Is in Charge of the Prisoners?

The military police appear to be in charge of the POWs, but actually they are at the mercy of the General Security Service (GSS). That some GSS men are with the POWs became known accidentally when the military government's building in Tyre collapsed. On another occasion, one of the GSS men affirmed that "he and his colleagues did a very nice job." Some time ago, undenied news leaked out about the conditions in which wounded POWs were held in Shmuel Harofe Hospital. This news aroused apprehensions that the POWs are more under the "care" of the GSS interrogators than under the care of the medical staff. Besides, the medical treatment itself was faulty because of the shortage of medical equipment. A certain doctor, a relative of a well-known political personality, refused to work in Shmuel Harofe Hospital because of the utterly deficient conditions of medical care there. The POWs killed when the Tyre building collapsed were barely mentioned; there were wounded among them who had been hospitalized before but were sent back to detention at the first opportunity.

5. The Case of Jamal Sirhan

POWs who are hospitalized in Malben Hospital at Nahariya, in ward No. 6, are being kept in

complete isolation and watched ceaselessly, and members of the medical staff are hampered in their contact with them. Some of these sick people are chained either at the hands or the feet with handcuffs or plastic straps. They are not allowed to go to the lavatory, they pass water into a bottle or into their beds and defecate into nightpots. Their unduly prolonged lying in bed without any movement undermines their health and causes bedsores. The treatment of the sick POWs is subject more to instructions of their captors, the GSS and the MP, than to those of the medical staff. The sick POWs are cut off from the surrounding world and their families, who cannot visit them, whether they are Lebanese or citizens of Israel.

Take, for instance, the 22-year-old Jamal Sirhan. He was born in south Lebanon to Palestinian parents, refugees from the village of Amka (east of Acre), which was razed in the wake of the 1949 armistice. He was living in the 'Ain al-Hulwa refugee camp. At present he is being kept prisoner in the al-Ansar concentration camp. He was transferred to Malben Hospital in Nahariya for an urgent kidney operation. However, when Jamal's sisters Hijar Hasan Sirhan and Inshiraah Hasan Sirhan, who live in the 'Ain al-Hulwa camp, came from Lebanon to Israel by permit, they were not admitted to see their sick brother. His *father* was twice prevented from crossing the Lebanese Israeli border when he wished to see his son. His *brother-in-law* (husband of Jamal's sister), who is a citizen of Israel, was held for interrogation for a few hours after having tried to visit his relative. Neither was Jamal's *uncle*, also a citizen of Israel, permitted to visit his nephew. The armed guards posted outside the rooms of the sick POWs prevent any contact with them (as well as with the other sick or wounded prisoners). Most of the guards turn away the imploring relatives with a brusque "No!" Some of them explain, "If we let you visit him we would refuse to obey the orders given to us, and then we might find ourselves in prison." The only visit that was granted to Jamal Sirhan was that of his two-year-old nephew. One of the guards was kind enough to fetch him the little boy.

Dr. Chris Giannou of Canada, when testifying before an investigation committee of the U.S. Congress, mentioned the maltreatment of Dr. Nabi. He described how the Palestinian physician was beaten up and cited the names of other prisoners of war who were tortured. He underlined that "the dark-skinned Arabs, Africans, and Asians (Pakistani, Bangladeshi and Indians) were beaten more cruelly than the others. I witnessed four detainees being beaten to death. An Israeli soldier called me to examine the corpses." Dr. Giannou repeated this description before the international investigation committee in Cyprus.

AI summed up the issue in its report as follows: "AI has received eyewitness accounts of ill-treatment of prisoners captured by the Israeli forces. These allegations have come from a number of foreign medical personnel who had been working in southern Lebanon and who were arrested by the Israeli forces during the first weeks of the invasion. They were released after questioning. These allegations relate to the period up to 20 June and to the detention centers at the Sidon school and at the Safa Citrus Corporation warehouse and to Megiddo prison in northern Israel. Amnesty International has not received any allegations of ill-treatment following this period. However, the prisoners were held incommunicado until 18 July when ICRC (International Committee of the Red Cross) visits started, and this justifies concern for prisoners' treatment after 20 June, particularly when they were still being interrogated. The most serious allegations refer to the detention center at the Sidon school. The allegations describe how large numbers of prisoners, who were forced to sit out of doors with their hands behind their backs, were subjected to beatings all over the body with wooden batons, plastic hoses, thick ropes and other instruments. Savage blows were aimed at punishing any prisoner who moved a little or asked for food or water (of which there was a shortage). Detainees were not left to sleep. The engines of the tanks that surrounded the detention center were kept buzzing all the time, projectors were turned on them, and they were frequently threatened. There was no medical care available for those who were badly hurt during the ill-treatment."

Lt. Col. (reservist) Dov Yermiyahou, who served in Lebanon, told in a meeting in Tel Aviv (October 22, 1982) about his visit to the prisoners camp in Sidon: "In one corner I saw a

prisoner lying with his hands tied. Above him stood an Israeli soldier beating the face of the prisoner with the heel of his shoe. The prisoner's face was already smashed from previous beatings. I asked the soldier whether he had orders to do so. The soldier replied that he had orders to be "tough, so that the rest of prisoners would know that if they rebelled they would suffer." And later on: "I saw two soldiers walking between rows of prisoners who all had their hands tied. The soldiers beat the prisoners with wooden sticks all over their bodies. In one case I saw an Israeli soldier straighten the rows of prisoners by dragging them by their hair."

6. The Conditions of Detention in the al-Ansar Camp

The al-Ansar concentration camp was set up within a few days, and it is still lacking the most elementary amenities. It was reported that 45 people are squeezed into one tent (*Davar* November 29, 1982), the men relieve themselves in the ditches, and when heavy rains pour down feces float in the camp, spreading a terrible stench in the broken down tents, and the men are drenched to the bone. Drinkable water is very scarce, and to say that hygienic conditions are bad is to beggar description. A cloud of stench, sweat, urine, feces and detergents hovers over the camp. As long as there were physicians and health workers among the prisoners, the latter received some sort of medical care from their fellow sufferers. Many doctors and health personnel, however, have been released in the meantime, and the health situation has deteriorated. There is a shortage of drugs. When the military (female) correspondent of *Davar* (November 29, 1982) remarked that the al-Ansar camp is "on the verge of going up in flames," she is certainly correct. The press has reported several times that mutinies have occurred in this camp and that many prisoners were wounded or killed in the course of their suppression. One such mutiny was reported at the end of September 1982. When two more prisoners were killed and four wounded on December 2, 1982, the mass media maintained that a round of bullets from the rifle of one of the guards "went off".

7. Legal Status

The Israeli government does not acknowledge as prisoners of war any but members of the armed forces of Syria who were captured. A special ordinance, issued by the minister of defense on June 9, 1982 (emergency ordinances on arrests at times of special emergency, 1982), empowers the Israeli armed forces to arrest in Lebanon *any person who is not a citizen or inhabitant of Israel.* This ordinance made it possible to detain thousands of people without granting them the status of prisoners. In this way the Israeli authorities *circumvent the application of the third Geneva Convention (1949), which deals with the treatment of prisoners of war.* Since these prisoners do not enjoy any recognized status, they are called "*the fetched ones*" in the official lingo (*déportés* in French). (See Tally Selinger, *Davar,* November 29, 1982). *Any judicial control and any applying to court concerning the "fetched ones" are out of question* because of the legal vacuum that was created: An *Israeli* court is precluded from dealing with their case, since they are held on Lebanese sovereign territory, and upon applying to a *Lebanese* court they would be told that it does not hold any authority over the IDF. This constitutes an unprecedented devilish subterfuge.

8. There is No Supervision

The first time that the ICRC was permitted to see prisoners of the al-Ansar concentration camp was only on July 18, 1982 (!!), i.e., 41 days after the outbreak of the war (AI report). Until June 30, 1982, representatives of the ICRC had met only 33 prisoners of war and 18 Palestinians in Shmuel Harofe Hospital (report of the ICRC, Geneva, July and August, 1982). Concealing the whereabouts of prisoners of war for 41 days is something heinous and abominable. *Until this very day the representatives of the ICRC have not yet visited all the centers of detention where POWs are still being held. Until now they have not met all the prisoners.* It should be stated that the Israeli authorities limit still further movements of ICRC representatives, although they are already limited in principle by their own statute.

They are not allowed, for example, to supply information about the situation in which the prisoners find themselves. In the actual circumstances, the ICRC is afraid lest any breach of silence on its part worsen the lot of the prisoners in the short run, and in the long run lead to a further limitation of the movements of its representatives, which would result in a further deterioration in the state of the POWs. However, it is not only the humanitarian institutions that are prevented from seeing the POWs and ascertaining their identity and places of detention. Most of the families of the POWs do not know whether their relative is in captivity, where he is held and in what situation he finds himself. In its report, AI defined the prisoners' situation as *incommunicado*. The press reported demonstrations that were staged by the families of the detainees. A journalist, Amnon Denkner, described the lot of prisoners, as seen by their captors, in *Ha'aretz*, November 5, 1982: "What can you do at the sight of women imploring you, kissing your hands, crying and showing you the photo of a young and moustached man who wears a suit and cravat, and at last asking you, with tears in their eyes whether you have seen him, maybe in the camp? They have not seen him for three months. He simply disappeared. At the military governor's at Sidon they can't tell you a thing. The ICRC doesn't know, either. Perhaps he is in the camp after all? She wants to walk alongside the fence and have a look. Perhaps she will see him, and perhaps . . . you'll be able to identify him. And again the photo is pushed by a shivering hand right under your nose. Do you know him? This is my husband. Do you know him? Have you seen him, there, in the camp?"

9. The Tragedy

Until now, only a few hundred prisoners have been released. The teenagers and many foreigners were set free. Nevertheless, there arises a host of human problems, and particularly the problem of the *Palestinian* prisoners of war. If they are set free, to whom will they be handed over? If they are driven out of Lebanon where they were living, they will be severed from their families, and these will be abandoned to famine and to the mercy of the Phalangists, and if they are returned to southern Lebanon they might become the prey of the Haddad gangs and the Phalangists alike. The following demands should be put forward: 1) the number and identity of the prisoners is to be made public; 2) the prisoners are to be permitted to meet their families, representatives of the IRC, and lawyers, too, if necessary; 3) the whole affair of the prisoners, the conditions of their confinement in general, and the tortures, in particular (including those that ended in the death of the tortured), are to be investigated by an independent commission, which will take the Israeli authorities to task; 4) the process of releasing all the prisoners from *all* the places of detention is to be accelerated.

C) PALESTINIAN WOMEN FROM LEBANON IN ISRAELI JAILS

Report based upon the data submitted by Advocate Felicia Langer to the Center of Information for the Defence of Palestinian Civilian Populations, Prisoners, Deportees and Missing in Lebanon (ROME). The Report was documented by Livia Rokach. (25 February 1983)

1. The Case of Mariam 'Abd al-Jalil

Until 2 A.M. on November 1, 1982, when Israeli soldiers burst into her home in the Palestinian refugee camp of Burj al-Shimali (Tyre) in occupied south Lebanon, arresting and conducting her away, Mariam 'Abd al-Jalil was a perfectly normal, cheerful 30-year-old woman, whose activity consisted of teaching embroidery to women and girls in the camp so as to render them capable of maintaining themselves and their needy families: a vital social role, especially in hard times such as these are for the Palestinian population in Lebanon.

But on January 19, 1983, the woman who was put into a Red Cross ambulance and taken back from Neve Tirza, the women's section of Ramle prison in the center of Israel, was a human wreck. A month later, in mid-February, Mariam was still in a state of profound shock, suffering from anorexia, incapable of communicating or working, a shadow of her

past self. Fearing a scandal, the Israeli authorities, in answering questions from international organizations and individuals interested in discovering what had happened to her during the 79 days of imprisonment, are trying to insinuate that Mariam was "mentally sick" to start with. They don't seem to have any explanation to offer, however, as to why their troops, under the instructions of the Mossad, i.e., the Israeli secret service, which the Israelis pride themselves on as "the best in the world," should have broken into the home of a "mentally sick" woman in the dark of the night, arrested her, subjected her to interrogations in a military center in Lebanon, transferred her to Israel, and kept her in solitary confinement in an Israeli prison for over two months, without any charge being brought against her at any time.

The truth, of course, is very different from that which the Israeli authorities are trying to sell to the International Commission of Jurists in Geneva, the ICRC, church organizations and others who, in Lebanon, in Israel, and in Europe, expressed concern at the state in which Mariam had been released from the Israeli prison.

The Rome-based Center of Information for the Defence of Palestinian Civilian Populations, Prisoners, Deportees and Missing, which includes among its sponsors well-known jurists, MPs, senators, church personalities, doctors, and journalists, acquired knowledge of Mariam's case in early December 1982, about one month after her arrest. Investigating the circumstances of her arrest and imprisonment, the center discovered the following facts:

1. For the past six years, up to the June 1982 Israeli invasion and occupation of South Lebanon, Mariam Abd al-Jalil, the daughter of a family of 1948 Palestinian refugees, had worked as an embroidery teacher at the women's handicraft workshop of the Najdeh—a Lebanese social assistance association aiding Palestinian refugees—at Burj al-Shimali camp, where she lived with her family. In this capacity she also distributed production materials —cloth, threads, etc.—to the women who produced the embroidered articles for sale through the association. Her work, which thus contributed to the income-producing activities of women and girls in the camp, was much appreciated by the latter and by her colleagues. Mariam was also widely liked for her sweet and sensitive personality.

2. Following the war and the Israeli bombings, which devastated over 60 percent of the Burj al-Shimali camp, Mariam, together with her parents, sisters and other relatives, as well as about 4,000 of the camp's survivors who had fled the bombings and shellings, went back to live among the ruins of the camp. She resumed her work with the Najdeh, which, as a regularly registered Lebanese association, could legally pursue its assistance to the women of the camp. This work was now rendered even more vital due to the fact that most of the men had either died or were dispersed in the war; the larger part had been made prisoners by the Israelis. At the same time, all the Palestinian asssistance organizations were banned by the occupation authorities. Women now had to find means of material survival for their families, made up mostly of numerous children and old and sick people, in addition to looking after their daily needs. The women's embroidery work, as modest as the income from this might be, had become the only source of subsistence for hundreds of families. The Najdeh's workshop having been destroyed in the bombings, Mariam now provided the women with materials to be worked on at home, thus facilitating also their need to work on their own time, without having to abandon their families who depend on them for all domestic problems.

3. On November 1, at 2 A.M., without offering the least explanation either as to the motives for their action or as to where they were taking her, Israeli soldiers broke into Mariam's home in Burj al-Shimali camp and took her away with them. The next day it became known that she had been taken to the Israeli Military Command at Tyre, to be subjected to interrogation. In the upper two stories of the 8-story command building, a special interrogation center had in fact been set up by the Mossad. It would become known later that in this center there were specially equipped torture rooms and that Palestinians arrested without any charge being brought against them were being subjected there to what Mossad officials called "a good job," before being transferred to al-Ansar or to other prisons inside Israel.

4. In the days following Mariam's arrest, the Bishop of Tyre, solicited by Christian

organizations and personalities who knew Mariam, sent a priest of his diocese to the military command in Tyre, to inquire into the reasons for her detainment and obtain news of her. The priest was brutally turned away by the Israeli officers and told "not to get involved in things that don't concern you."

5. On November 11 in the early morning, a gigantic explosion devastated the entire building of the Israeli Military Command in Tyre, causing over 100 deaths. Among them, according to official Israeli figures, were about 20 prisoners who had been held in the two upper stories housing the interrogation and torture center. Mariam's family and friends were convinced that she, too, had found her death in this explosion.

6. A few days later, a message sent through the ICRC in Israel indicated that Mariam was alive. She had been transferred to Israel the very evening before the explosion (November 10) and was imprisoned at the Neve Tirza women's section of Ramle prison. No explanation was given for this transfer or for her continued imprisonment.

With this information in hand, the Rome-based Center of Information appealed to Israeli lawyer Felicia Langer to follow Mariam's case, beginning with an attempt to visit her in prison and verify her conditions. Since it was necessary for Advocate Langer to get delegating power on behalf of the detainee, the Center, in agreement with the Najdeh association, asked a well-known European personality, Professor Richard Bäumlin, a foremost jurist highly active in the field of human rights and a member of the Confederal Swiss Parliament for the Socialist Party, to formally delegate Ms. Langer to petition the Israeli High Court of Justice in regard to the case in question.

In late December 1982, Ms. Langer asked for and received by phone from the Ramleh prison authorities confirmation that Mariam 'Abd al-Jalil was indeed incarcerated there. She was told that she could come and visit her. In a memorandum addressed to Prof. Bäumlin on February 6, 1983, Ms. Langer reported, however, that "on January 3, 1983, I arrived at the prison and after being made to wait for almost an hour, was told that the Israeli Intelligence (Mossad) would not allow me to see Mariam." The explanation was as follows: "*The women from Lebanon, those who are here now as well as those who were here before, are not allowed to be represented by lawyers. We were astonished that you came and therefore decided to check it. The answer is, obviously, NO*" (emphasis in the original).

Lawyer Felicia Langer goes on to describe the procedure undertaken by her: ". . . I applied on January 5, 1983, to the High Court of Justice with a petition . . . asking the Prison Authorities and the Minister of Defense to show cause, why they are preventing me from seeing my client. I argued in my application that according to the Israeli law (The Law of the Israeli Bar Association, 1961, Section 22), every person has the right to be represented by a lawyer before every administrative, juridical or quasi-juridical body, etc., and that this sacred and vested right is denied to Mariam arbitrarily; moreover, such a practice is in contravention to the well-established rule of natural justice, as expressed in the ancient maxim, *Audiatur et altera pars*."

"I have also quoted article 72 of the fourth Geneva Convention, 1949, which expressly and absolutely grants the right of legal aid and representation to the inhabitants of occupied territories. In addition, I expressed my fear that the authorities are preventing my access to Mariam and are holding her completely *incommunicado*, in order to conceal illegal *and-or forbidden acts or behaviour toward her* (emphasis in the original).

"My application was transferred to a panel of three judges and submitted to the Attorney-General for reaction. A hearing should have ensued, but no date had yet been fixed when, on January 19, I heard from a person who had unofficial information on the subject, of which, however, he was not sure, that Mariam had been transferred back to Lebanon.

"As that same morning Mr. Marco Ferrari, legal delegate of the ICRC in Israel, came to my office to confer on another case, I used this opportunity and asked him to check the matter. He checked it over the phone with his HQ in Tel Aviv, and the reply was as follows: *Mariam was transferred to Lebanon in a ICRC ambulance and released due to health reasons, i.e., because she was considered by the Israeli authorities to be mentally insane.*

"I double-checked this affirmation with persons who had known Mariam well, had worked with her, and had met with her shortly before her arrest in Lebanon. All the

testimonies confirmed that she was a perfectly normal person and in no way mentally disturbed. *The inevitable conclusion is, therefore, that Mariam's present state of shock and mental disturbance was caused in some way by her Israeli jailers, either in Lebanon or in Israel* (emphasis in the original). It also follows that the authorities chose to retransfer her to Lebanon in order to prevent my meeting her and exposing the truth.

"I received no formal communication about Mariam's release until I contacted the Attorney-General on the phone on January 26, 1983, and asked him about the case. He then told me that Mariam is not here (in Israel) anymore. I requested a written communication which he promised to let me have soon.

"A few days later, I received a summons for a hearing on the case scheduled for April 5, 1983 (!). I have contacted the Attorney-General once again and been told by his assistant that an official communication was transmitted to the High Court and to myself on January 31, 1983, and that they were "surprised" that I hadn't yet received it. It was read to me over the phone, as follows: *Mariam 'Abd al-Jalil was released two weeks ago and she returned to Lebanon. The Attorney-General's Office was informed that she was released for reasons connected with her health. In the light of this there is no factual ground to proceed with the petition and it must be cancelled. Mrs. Langer was informed of this by phone* (emphasis in the original)."

It may be observed that the fact that a court audience had been fixed for April 5, i.e., for a date three months after Ms. Langer had tabled the petition to the High Court, must have had a precise significance. Evidently, the Israeli authorities did not expect Ms. Langer to learn of Mariam's retransfer to Lebanon so soon after it had taken place and had expected her to wait patiently for the date of the audience. By that time Ms. Langer might have encountered difficulties in tracing Mariam or her friends in Lebanon and in learning of her condition at the time of her release. What had been done to Mariam, in other words, would have lost its "news value" if it were disclosed three months after her release and retransfer to Lebanon. Another possible scenario is that the Israeli authorities had not contemplated Mariam's release at all, but rather expected, seeing her rapidly deteriorating state of health, loss of weight, etc., that within the three months scheduled to pass before the audience came about, she might die in the prison, thus "closing" the case. It is possible that they decided to release and smuggle her back quickly to Lebanon only because of increasing outside pressures and inquiries from international bodies and after Mariam's case had been widely publicized in the European press through the efforts of the Rome-based Center of Information and of Ms. Langer herself. Whether the first or the second hypothesis is the one conforming to reality, the facts involved certainly call for supplementary investigation.

In summing up her action, Ms. Langer concludes that: "1) The Israeli authorities, in my opinion, are guilty of a severe breach of the elementary human right of an arrested person to be treated as a human being and to be assisted by a lawyer. 2) The Israeli authorities are guilty of causing sickness and/or mental disorder in Mariam, who was a completely sane and normal person prior to her arrest and has since been reduced to a human wreck, as I learned from her friends who visited her after her release and who were shocked by her state. 3) Her release was brought about solely due to the fear that I should be authorized to see her, knowing that such a visit would bring forth the truth. The question at this point is what is happening or might happen to other persons who are deprived of outside pressure in their interest and the delegation of lawyers to represent them . . . 4) The Attorney's answer, which was delayed and is evasive, is yet another proof that the authorities at a certain moment wanted rapidly to get rid of Mariam's presence in Israel, out of fear that the local media might, with my help, disclose the truth; while in Lebanon, in the atmosphere of terror prevailing there, she and her family will keep silent. 5) The Israeli authorities are arrogantly violating International Law and its sacred maxims as embodied in the Hague (1907) and Geneva (1949) Conventions, the Universal Declaration (1948) and all the other conventions on Human Rights."

Upon her "secret" release from Ramleh prison, Mariam was transported in a Red Cross ambulance to Tyre Hospital, where she was placed under the care and observation of ICRC

personnel. According to her family's wish she was brought home some days later, and a RC doctor has been assigned to take care of her there. Friends who have known the woman for many years and have worked closely with her, visited her at home one week after her release and retransfer to Lebanon. They described her in the following terms: ". . . lost weight in a most impressive manner . . . is incapable of making decisions for herself or communicating . . . seems a shadow of her past self. . . ."

A few days after Mariam's return home, her brother, who had been imprisoned in al-Ansar at the time of Mariam's arrest, was released and also returned to Burj al-Shimali. Mariam's condition has hardly improved since, however, and in mid-February, almost one month after her release, she was still losing weight, was in a state of estrangement, and unable to communicate. As a result of investigations conducted by the Center of Information in both Israel and Lebanon, the first details of some of the causes of Mariam's state have come to light. Indeed, it was ascertained that while she was held at the Israeli military command in Tyre during the first ten days of her detainment, Mariam was subjected to interrogation regarding the prewar lives, activities, and opinions of her two brothers, one of whom was imprisoned at al-Ansar and the other dispersed during the war. This interrogation was accompanied by heavy pressures brought to bear on her, including the arrest of her elderly parents and their transfer from their home in the refugee camp to the military command where she was being held. Mariam was shown that her parents were there and told that as "punishment" for her "refusal to confess" (i.e., her refusal to tell the interrogators what they wanted her to say about her brothers), her father and mother would be shot to death. It is not yet known what else happened on that occasion, or what other means of pressure or maltreatment may have been used. But clearly this fact alone, sophisticatedly calculated to generate primordial emotional conflicts and sense of guilt, could be sufficient to cause psychic damage to any sane person. Mariam's parents in fact were later released, but for the rest of her detention period, Mariam was led to believe that they had been executed as a result of "her refusal to talk."

At present Mariam is under intensive care, and her friends hope that she will be able to regain her will to live and, among other things, become capable of confounding the evident hope of the Israeli torturers that the shock caused her was sufficiently lasting to prevent her full story from coming to light.

2. Other Cases of Women Taken Hostage in Lebanon by Israel

The discovery of Mariam's detention in the Israeli prison of Neve Tirza led Lawyer Felicia Langer, and through her, the Information Center in Rome, to acquire data regarding the arrests in Lebanon and the transfer and imprisonment in Israel of a number of other women. Previously these facts were completely unknown both to public opinion at large and to the organizations concerned with the question of Palestinian and Lebanese prisoners, deportees and missing persons.

Following this discovery, it has been ascertained through the investigation of individual cases that as a general rule, all the women arbitrarily arrested in Lebanon and illegally transferred to Israel have to all intents and purposes been taken by the Israeli occupation forces as hostages. In fact, the main scope of the Israeli authorities in removing from the families the vital and central presence of the women upon whom the material welfare and the psychological security of the children, the aged, and the disabled are dependent, is to exercise pressure on "their men"—husbands, fathers, brothers, sons—to give themselves up, if they have not already been captured by the occupying power. In other cases, in which the men have already been imprisoned, the pressure is intended to force the women to "collaborate" with their interrogators. The interrogation of the arrested women also invariably centers on the past activities of the men of the family, and in those cases in which the Israelis have not been able to capture them, on their possible whereabouts.

In exercising these cruel methods of psychological blackmail and torture against both the arrested women and their families, Israelis take into account the strong ties of affection existing in the Palestinian family, both traditionally and as a result of the long years of

suffering and hardship to which the refugee camp population has been subjected. They count on the distress caused to the family, and eventually to the dispersed husband, brother, or father when informed of the arrest of his wife, sister,or daughter, to push the man either to give himself up in order to return the mother to the abandoned children (sometimes small babies), or to make contact with the family and thereby be trapped and captured.

A case illustrating these methods is that of Abla Ahmad al-Shaykh Hasan, a 40-year-old Palestinian mother of five children, one of whom has Down's syndrome and needs constant and special care. Abla, an educated and intelligent woman whose husband has been dispersed in the war, is the director of the UNRWA school for the children of Palestinian refugees in Sidon.

Abla al-Shaykh Hasan was arrested for the first time in August and interrogated as to the whereabouts of her husband of whom she had no news whatsoever. After a while she was released but was arrested again some time later and transferred to Neve Tirza (Ramleh) Prison in Israel. She was again interrogated about her husband, who was "accused" by the Israelis of being a Palestinian militant. After weeks of imprisonment, Abla was released a second time. Then on December 1, 1982, she was arrested again and taken to the prison in Israel where she is still detained. Never at any time has any accusation been formulated against Abla herself, and her interrogation has invariably centered on her husband. Her interrogators do not conceal their disappointment that her detainment has not yet served their purpose of trapping and capturing her husband. On the other hand, their hope that a prolonged tearing-away of the mother from children who badly need her presence will eventually permit them to achieve this purpose is hardly concealed.

Another macabre case in which the Israeli occupying power in Lebanon have taken women as hostages is that of Wassfa Hamid Mahmal Frej, 28, also from Burj al-Shimali camp. The mother of a five-month-old baby and three other small children at the time of her arrest on September 16, 1982, she, too, was transferred to Israel. Wassfa's husband was killed in the war, but the Israeli interrogators did not believe her when she said that he was dead. For almost three months this young widow, whose baby had been taken under the care of her relatives in the camp, themselves living under difficult conditions, was persistently harassed by the interrogators as to the "whereabouts" of her dead husband. Wassfa was finally released in mid-February from Neve Tirza and returned to Lebanon.

Following the release of Mariam, Wassfa* and Fatma al-Maslah,* (also from Burj al-Shimali camp) there are at present at least eight other women hostages from Lebanon being held in Neve Tirza in Israel. Three of them are Lebanese women from the villages of Bhamdoun and Alley in the central mountain area.

*Both requested the legal defense of Ms. F. Langer. (Livia Rokach)

Life Under Israeli Occupation

Raymonda Tawil
Palestinian Journalist

I am a Palestinian living in the Occupied Territories. I am a journalist. I am the mother of five children. The catastrophe and tragedy of my people is also my personal tragedy. (I have described my long experience as a journalist and mother in my book, *My Home, My Prison*, HR&W, 1980.)

My experience is only that of one person, but it is representative of the suffering of my people under occupation. Two main points sum up this experience. First, the Palestine Liberation Organization is seen by the absolute majority of the inhabitants of the Occupied Territories, including the Palestinians forced to flee their homeland in 1948, as the sole, legitimate representative of Palestinians everywhere. This is demonstrated by the broad solidarity of the Palestinian Arabs and by the meetings, rallies, and demonstrations they and progressive democratic forces in Israel organized during the invasion of Lebanon in June 1982.

Second, Israeli atrocities committed against the Palestinian Arabs in the West Bank and Gaza and against the 1948 Palestinians precipitated a "revolution of stones" led by our children in the Occupied Territories. We do not have arms, tanks, or sophisticated weapons. Yet we resist daily with our stones—I can tell you plenty about this war of stones—the barricades, the shootings, the daily killings and harassment by the Israelis, the invasion of universities, the brutal attacks on our people, the funerals I have witnessed. Everyday a young martyr is made. Children, 8, 10, 15 years old, are killed daily for no reason except that they oppose the Israeli occupation and raise their voices to the world. They want to let the world know that we are not terrorists but freedom fighters. We have no other way of fighting sophisticated Israeli weapons than with our stones. Our stones are our fortresses. We are proud of this "stone

revolution." It is the revolution of the Palestinian people in the Occupied Territories.

I would like to tell this tribunal about the most recent acts of aggression against our people. I am referring specifically to the new wave of Palestinian resistance that has broken out in the Occupied Territories in the last two weeks. This resistance is a response to fascistic Israeli policies that have been implemented for a long time there. These policies include the confiscation of lands, the demolition of houses, killings, arrests, torture, deportation, and the erosion of our culture and education.

The tribunal is primarily concerned with investigating the facts of Israeli atrocities committed during last year's invasion of Lebanon. But I would like to describe the most recent Israeli atrocities in the Occupied Territories. The situation in the Occupied Territories grows more tense as my people endure daily Israeli outrages. These are building up to a new massacre like Sabra and Shatila. Something dangerous is happening in the Occupied Territories and we are scared. A new massacre could occur in Galilee, the West Bank, or Gaza. We don't have time; we must warn the world.

Based on information from the international mass media and long-distance telephone calls I made last night to leaders in the Occupied Territories, I can bring you up to date on the latest events. Yesterday, a curfew was imposed on most of the refugee camps, and it is still in effect today. In the Jalazun and Dahishah camps, food and water supplies have been stopped. Nobody is allowed to leave, not even those who are seriously ill. Ambulances are not allowed to enter to pick up patients and take them to the hospital. The army is spread throughout the camps, which have been turned into ghettos—you can check with *The New York Times*, the *Washington Post*, *Le Monde*, and even the Israeli press. These measures are being enforced now, today, just as they were yesterday and last week.

Second, all universities in the Occupied Territories have been closed. Bir Zeit was closed this week. Bethlehem University is closed. Najah University is not closed, but checkpoints have been set up around it to prevent students from entering. Stores have closed down in sympathy with a general strike, especially in Nablus and Hebron. Many Palestinian leaders have been placed under house arrest. The al-Aqsa mosque, the second holiest Muslim shrine, was attacked for the third time last week. Kidnappings and shootings of Palestinian Arabs have occurred. Many elementary and secondary public schools were closed this week and the students arrested.

The old city of Nablus, like the old city of Jerusalem, is built like a fortress inside, and the buildings date from the time of the Crusades. Last week, the Israelis cemented off the entrances and installed iron gates, transforming the old city, the Casbah, with its 35,000 inhabitants, into a ghetto. This has occurred about ten times since the occupation began. The people are not allowed to leave, even to go to work. Businesses have all closed down and students cannot attend school. This is a kind of collective punishment imposed on the entire Palestinian population.

There has been a qualitative change in the way Israelis regard the Palestinian resistance. I am referring to the escalating war being waged against the Palestinians in the Occupied Territories by the extremist, maximalist settlers, the Gush Emunim, [a militant social and religious movement that appeared after the 1967 war to promote unlimited Jewish settlement in the West Bank]. The extremists in the settlements have been allowed by Israeli officials to take a direct role in suppressing Palestinian protesters. These settlers are now doing their share of the shooting, arresting, and policing of the Palestinian Arab inhabitants on behalf of the Israeli army and police. Whenever we have a demonstration, whenever the resistance escalates in the Occupied Territories, settlers arrive within two minutes with their guns and dirty jokes. (During the invasion of Lebanon, it was not the Israeli army that made dirty jokes about the Palestinians, but the settlers, who are the most fanatic of the Israelis.)

Near every town and village in the West Bank is a settlement. These are not settlements of peaceful people. If the inhabitants were peaceful people, we would welcome them with open arms. We welcome Israelis active in the peace movement when they come to demonstrate against Israeli atrocities. The mayors of Nablus, Halhul, and Hebron all received the peace movement with open arms and thanked these Israelis in the name of the Palestinian people. We have among us today two great Israeli "peaceniks," two great peace revolutionaries, Felicia Langer and Amnon Zichroni. They stand for the greatness of Israel and those Jews who are opposing tyranny, oppression, and the daily atrocities committed against the Palestinians.

On the other hand, there are Israelis like the leader of the Gush Emunim, who said the day before yesterday that Israel made a fatal mistake [in 1967] by not throwing out the 200,000 Palestinians in the West Bank as it did in Galilee [in 1948]. I learned about this by telephone last night. It's also in the Israeli press.

Inquiry by the Jury

Joe NORDMANN: Could you give us some of the details of your personal experience?

TAWIL: As a child, I witnessed the Israeli-Arab war of 1948. I was in a convent when the Israeli army took over the town of Nazareth. The convent was a Catholic school, and the nuns hid us and prayed with their rosaries that God would protect us. There were rumors of massacres all over the country. There had been a massacre at Deir Yasin on April 9, 1948. When Israeli tanks and soldiers surrounded our school, the nuns raised the Vatican flag and a white flag to indicate surrender. A massacre also occurred at Akka where my parents were. Palestinians were ordered to leave Palestine for Lebanon.

My mother was born in the United States and had nursing experience. She worked at a hospital in Akka and took care of the wounded who were being treated by the Red Cross and UNICEF. She told me how thousands of people were killed during the 1948 war. My father went to Lebanon with the Palestinians who fled the war. My two brothers stayed behind. They were left in a boarding school in Jerusalem. But suddenly, Jerusalem was divided like Berlin, and they found themselves on the Jordanian side. I remained on the Israeli side and could no longer see them.

Fortunately, because we are Christians, we were later allowed to pass through the Mandelbaum Gate, which we call the Gate of Tears, and cross to the other side of the border to visit the holy places in east Jerusalem. We could meet there once a year as a family. It was the most terrible feeling, those few hours of crying and suffering. My family has been separated since my childhood. We were victims, like all Palestinians.

My father infiltrated back from Lebanon to search for his children and was shot and wounded crossing the border. The Israeli officer to whom he was taken happened to be an old school friend. Before 1948, we all lived together in Palestine, Jews, Muslims, and Christians. There was no discrimination. When my father was shot as an infiltrator and brought before the officer in charge, they recognized each other from their days at the Ecole de Lasalle in Haifa

and embraced. The soldiers who brought him in were shocked to see the two old friends kiss each other.

My father was fortunate. He was given a permit to remain in Israel, in Palestine which became Israel. He was brought to a hospital after his arrival. I had been told in boarding school that my family had all died and was treated as an orphan by the nuns. I was overjoyed to discover that my family was still alive.

My father belongs to one of the old, well-to-do Palestinian families. When he went to ask for his family property, he was told by the court that although he was standing before it, in the eyes of the law, he did not exist. My father was a lawyer, and most of the judges were his friends. They told him that a new law prohibited Palestinians who had left the country in 1948 from reclaiming their property. This absentee law, created in 1948, was later extended to include the Palestinians who fled the 1967 war as well. All of their property was confiscated. My father became, as he used to say, a stranger in his own land. He used to cite the words of the French poet Alphonse de Lamartine: "My house sees me but does not know me anymore." He lost everything, his pride, his dignity, his land.

After 1948, we remained in Israel and were subjected to the most brutal treatment. Being a third-class Israeli citizen, I was not allowed to go to school without a special permit. I had to stand in line at the military governor's office for hours just for permission to go from one town to the other, where my school was located. We starved after the war of 1948. The situation was very difficult. There was no food. People had to wait in lines for everything. Overnight, everything changed in Palestine, which was now called Israel. Even the names of towns and villages were changed. Everything became alien to us. Finally, in 1957, I was able to cross the border to meet my brothers on the other side, in Jordan. Everything in my life has been controlled, prescribed by the Israelis.

When the 1967 war broke out, we were living in Nablus and hid in shelters. My children had new faces. They clung to me during the Israeli bombardment and asked, "Are we going to be killed, are we going to be annihilated?" The image of Deir Yasin came back to me vividly at that moment. The nuns had been asked the same questions in 1948. Like them, I didn't know the answer.

There are good Israelis, good Jews and neighbors. My friends at school and all those great Jews who came to our help are good people. Were they capable of committing the same atrocities? Would they repeat Deir Yasin? When I opened my front door, a flood of

Palestinian refugees from the town of Qalqiliya was streaming past the house. There were between 6,000 and 7,000 of them, and they had been walking for three days. Qalqiliya is a village in the western hills [near the Mediterranean].

I speak Hebrew and so asked the Israeli officer who had brought them to Nablus what we could do to help these people. I asked why the Israelis were keeping them and where they were taking them—they had been brought in buses. He answered very sarcastically, "Put them in your houses or in your villas." Many of the refugees were wounded. All were tired and hungry. On the way from Qalqiliya to Nablus, Israeli planes had bombed the column and even the Red Crescent Society. Many people died of thirst and Israeli bullets along the way.

I felt we had to do something. I found the mayor of Qalqiliya, a kind man, who was brought along with the others. Remembering the good Israelis, I was not afraid of the soldiers. So I put a Red Cross emblem on my car and, together with the mayor and some neighbors, went to ask for a permit to open the stores to get food for these people and to open the hospitals (a curfew was then in force). There was no water or electricity in town, and the International Red Cross was not allowed in for two weeks. During that time, thousands of Palestinian refugees had to remain in the open, taking shelter under trees. We were allowed to bring them bread and water, but that is all we could do.

The elderly, the ill, the paralyzed, all who could not leave, remained in Qalqiliya. The Israelis bulldozed the entire town, killing those who had stayed behind. Sister Marie Thérèse and Brother Gauthier witnessed the destruction of Qalqiliya. I went there, too. We were the first to see and smell the dead bodies. When I returned, I informed the U.S. consul general, Mr. Wilson. The same thing happened to other villages.

KASHIWAGI Hiroshi: Are your children living in the Occupied Territories?

TAWIL: Thank God my children have finished university. I no longer have to worry about them. I worried everyday for 16 years that one afternoon, my son might not come back from school, that I might find him dead or in a hospital. The constant worry created tremendous stress. I worried whenever I heard the Israeli army shooting.

Everyday at 8 A.M., when the children go to school, the demonstrations begin. When there is shooting, we know that somebody had died. When we hear the sound of firing, we know that

something has happened in town. Every mother in the Occupied Territories knows that her son might be killed at any moment. Many of my friends' children have been killed or wounded. When shooting occurs, we jump in our cars to find our children, we rush to the hospitals. This is a daily experience.

As a journalist, I have been to the schools to cover these incidents and seen with my own eyes how they persecute the kids, how they put them up against the wall and beat them. I have seen the blood running down the childrens' faces. I have seen how they are hit with sticks and forced to hold lighted matches in their bare hands. Once when I saw this happening, I screamed at the Israeli officers, "Stop it! For God's sake, stop it!" That was during the Litani operation [March 1978], when the Israelis attacked the Palestinians in southern Lebanon. When I arrived at the school, the Israeli soldiers were shouting, "We'll annihilate you, we'll annihilate you. Begin! Begin! Begin!" And they were kicking the kids. Blood was streaming down their faces. An Israeli officer grabbed my arm and told me to get out of there. I told him no, I wasn't going to move. I said I would go into the Kibbutzim in Israel and to the peace movement and tell them what the soldiers were doing. Then I said to them, "You are Jewish and yet you say you will annihilate us? You [have the nerve to] talk about annihilating people, using the same words as the Nazis?" I was deeply shocked. That day, while I was among the children, my camera was confiscated, and I was arrested.

MORIKAWA Kinju: To someone who lives in Japan, what you have just described to the jury is cruel and shocking. I would like to know if your appearance before this tribunal could bring harm to you or your family and relatives.

TAWIL: There is every reason to be afraid, but I tell you, I am not afraid. I spent four months under house arrest. I was not allowed to leave my home. I have also been in jail. Mr. Zichroni defended me. I begged him to do something to find out what would happen to me. We can't know our destiny, either as individuals or as a people. I tell you very frankly that the situation in the Occupied Territories is catastrophic. We are afraid of another massacre.

This is no joke. Between February and May of last year, before the invasion of Lebanon, 375 Palestinians in the Occupied Territories were wounded, and in about two months 40 were killed. Twelve people were kidnapped and killed, their heads and legs cut off. This violence escalated into the war in Lebanon. These facts cannot be denied; they were even published in the Israeli press.

Foreign journalists arrived asking those of us who live in the Occupied Territories if we would leave the country should a massacre occur in Jerusalem, Nablus, Ramallah, or elsewhere. Hundreds have been killed or wounded in this area, and new concentration camps have been set up in the Jordan valley. The situation is terrible, and the stress on all of us is unbelievable. And then the foreigners come with their questions: "Will you leave if there is a massacre?" Most Palestinians would prefer to die in their homeland than become refugees in another land.

Last week, the Israeli government held a cabinet meeting. Lt. Gen. Rafael Eitan said he would take drastic measures against the Palestinian population [in Israel]. He has declared openly that there is to be no mercy. All attention is now focused on the Occupied Territories. Something is about to happen, what we don't know. Perhaps another massacre to force Palestinians out of the country.

David DELLINGER: On March 13, *The New York Times* ran a full page advertisement saying that there is no need for Palestinians to return to their former homelands or to create a state in the Occupied Territories. All that is necessary is for the Palestinians to go to Jordan, which, it said, is the historical Palestine. Would you comment on the content of the ad?

TAWIL: First of all, we do not accept any alternative to a Palestinian homeland in the West Bank and Gaza. According to a Palestine National Council decision, those areas are the Palestinian homeland. In 1948, the Jordanian people received us and gave us shelter. We will never stab them in the back. Jordan will never be an alternative country for us. The proposal you mention is the most terrible solution that has been suggested. We will never accept this idea of Ariel Sharon's. Jordan is now host to one million Palestinians. We don't want to turn the Jordanians against us. The Jordanian people are a proud people, and Jordan is a sovereign country.

DELLINGER: Would you comment on the Kahan Commission report and how it was received in the Occupied Territories. Has it had any effect on the support you are receiving from Jewish peace activists?

TAWIL: It is not enough that Sharon was dismissed as minister of defense. He is still a member of the cabinet. The Kahan Commission did not go far enough in its recommendations.

IE Masaharu: What kind of education are children in the Occupied Territories receiving? Do conditions permit you to teach them pride in their Palestinian heritage? Second, would you tell us more about the Jewish settlements?

Yasir Arafat and King Hussein both say that Jordan is Palestine.

In the late 1940's, King Abdullah, Hussein's grandfather, wanted to call his country the "Kingdom of Palestine."

In 1970, Hussein's brother, Prince Hassan, said, "Palestine is Jordan and Jordan is Palestine."

The same year, Yasir Arafat told correspondent Oriana Fallaci, "What you call Jordan is actually Palestine."

In 1981, Hussein as well declared, "The truth is that Jordan is Palestine and Palestine is Jordan."

Even The New York Times agreed when, on August 3, 1975, it called Jordan's capital "the greatest Palestinian city in the world."

Abdullah, Hassan, Arafat, Hussein, and The New York Times were only confirming what any World Atlas and World Almanac will tell you:

Jordan occupies almost 77% of the original Palestine Mandate. More than two-thirds of Jordan's citizens are Palestinians. Half of Jordan's Prime Ministers since 1950 have been Palestinian. Three-fourths of Jordan's government employees are Palestinians. Palestinians control 70% of Jordan's businesses.

It's no wonder that in 1977, Hussein said, "The two people are actually one. That is a fact."

And if it's a fact that the Jordanians and the Palestinians are one people, it's a fact that they deserve one homeland. Jordan.

Please write Jordan is Palestine Committee, P.O. Box 2003, New Hyde Park, NY 11040, with your comments. Richard Jacoel, Chairman.

Advertisement in *The New York Times*, March 13, 1983.

TAWIL: The Israeli authorities are interfering in the educational system and in the universities by virtue of Law 854, which enables them to appoint and to get the names of professors, teachers, and even students. There have been mass demonstrations against this law all over the West Bank, and many have died. At Bethlehem University, about 20 people were injured and several killed. Mass demonstrations were also held at Bir Zeit University and at schools in Ramallah to protest this law.

Certain books are banned in the universities, books on literature, poetry, and culture. Israel is killing the cultural identity of the Palestinian people. The authorities want to break our spirit, destroy our consciousness as a people. Where education is concerned, it's a daily fight for survival. In 1967, school programs were changed, and the word Palestine can no longer be used in the secondary schools. In its place the word Israel has been substituted. Every teacher must be very careful to abide by this law. More than 25 university professors were dismissed when they refused to sign a document denouncing the PLO. Teachers and even headmasters have been fired for fostering in children the spirit of the Palestinian people and culture. This can be done but only in a very discrete way. Felicia Langer is defending clients on trial for painting with the colors of the Palestinian flag. Carrying the Palestinian flag itself is punishable by three years in prison. At weddings, Palestinians express themselves by singing national songs of resistance. In the midst of the wedding, Israeli soldiers arrive and attack the people, destroy everything, and arrest the guests. Once they even arrested the bride and all the members of her family. This happens every day.

Louis MARTON: I am an advisor to the jury. I would like to ask if the names of police or army officers responsible for torturing prisoners are known or could possibly be made known, if not here then perhaps later.

TAWIL: Felicia Langer has all the names and can give you the answers. I was warned by my lawyer, Amnon Zichroni, not to reveal what happened to me or the names of those involved once I left the court. Mr. Zichroni made a big case out of what happened to me and protested to the defense minister. We know the name of the official who interrogated me: it is Shimone [phonetic]. He is head officer of the prison compounds. He beat me himself, with his own hands and with the aid of his assistant, Mr. Perez [phonetic]. I know it is a grave decision, but I am willing to face the consequences [in Israel] for telling you what was done to me. I was beaten, and as a result, my

face was completely distorted. That happened not during interrogation but while I was in my cell because I dared to defend Yasir Arafat and to reveal my feelings about the Palestinian resistance. Beating was my punishment.

The prisoners in the next cell screamed at me, "You have to tell the truth, please talk. Because if you talk, this will not happen to others. We are enduring, we are suffering. You should not hide the truth." So I told Mr. Zichroni what was done to me in prison, and he wrote about it in the newspapers and weekly magazines. When the authorities found out, they called me back and tortured me again. They said, "You went and told your Mr. Zichroni, didn't you! You really know how to reveal our secrets!" And I had to endure the same tortures all over again.

Eduardo del RIO: The situation you describe reminds me very much of the German invasion of Poland in 1939, what the Nazi troops did in Poland to the Jews and Polish people. As a journalist, I would like to ask you how the Israeli government manipulates information. Do the Israeli people know about the atrocities that Israeli troops are committing in the Occupied Territories?

TAWIL: Amnon Zichroni is now defending Israelis who work for Israeli television. It's a very important case. They are not allowed to tell the truth to the people; the Likud government prevents them from telling everything that happens. Telling the truth is a very important task for those of us in the Occupied Territories. Twice I have been placed under house arrest and jailed because I used my contacts with the foreign media and the Israeli press to inform them of the real situation. Now I have a press center of my own in Jerusalem. It was very difficult to set up, and we have been attacked several times. Once unknown people entered, stole our documents, and destroyed everything. I was put in jail for trying to open it. I was told I would be killed rather than be allowed to go ahead and set up the center. But with the help of my lawyer and progressive Israelis, I finally managed to start it. Now it is functioning, and we have access to the major media, *The New York Times, Time*, *Le Monde*, etc., and to correspondents all over the world. Our Palestine press service issues daily press releases in the Occupied Territories. Two months ago, the releases were canceled by order of the military authorities who have been threatening to close down the office and impose severer forms of punishment. We took the decision to remain open, even if it means setting up office in a tent somewhere and working underground distributing leaflets. We are not going to be silenced.

When I got out of prison, Israeli television asked me if I intended to remain silent. I said I would not be silent, even after all this persecution. Silence is complicity. Those who remained silent while the Nazis committed their crimes are also criminals. It is not easy to convey our message to the Israelis and the world. Fortunately, however, there are many journalists and progressive people in Israel who are devoting all their efforts to reveal the truth. Journalists, such as Amnon Kapeliouk, and Uri Avnery, and many working for Israeli television and radio feel that it is their duty to reveal and speak only the truth.

Gordon McIntosh: I am concerned about the kidnappings of prisoners of conscience. Are their names being given to Amnesty International?

Tawil: I believe *The New York Times* and *Washington Post* carried information about that, but I don't have the details.

The Legal System in the Occupied Territories

Amnon Zichroni
Israeli Jurist

I would like to speak about the rule of law in the West Bank. Under international law, an occupant "is not the sovereign of the territory (occupied), he has no right to make changes in the laws, or in the administration, other than those which are temporarily necessitated by his interest in the maintenance and safety of his army and the realization of the purpose of the war. On the contrary, he has the duty of administering the country according to the existing laws and the existing rules of administration."[1]

The military government of Israel has extended its legislation and its administration in the Occupied Territories far beyond that of an occupying power. In its legislation, the military government has exercised powers akin to those of a sovereign government. It has altered the existing laws and administration in such a way as to make the economy of the West Bank subordinate to the interests of Israel and to facilitate the encroachment of Jewish settlements on this territory. This has been universally condemned as a violation of international law.[2]

Under customary international law as well as under the Geneva Convention of 1949, an occupying power is entitled to make alterations to domestic law to the extent that is necessary for the security of its forces. It is inevitable that under such conditions, the civil rights of the inhabitants of the territories will to some extent be restricted. However, the military administration of the West Bank has gone far beyond making alterations necessitated by security considerations alone.

For instance, military courts in the West Bank have jurisdiction to hear any cases regarding acts committed in violation of the provisions of the criminal law in force in the West Bank, whether the offense was committed before or after the Israeli Defense Forces

(IDF) entered the area. The trial by military court of offenses committed before the occupation is contrary to the Geneva Conventions. Attorneys practicing before military courts are frustrated by the feeling that, since there is no appeal, the judge's authority is absolute, and the procedure appears to be a mockery. Ninety percent of convictions are made on the basis of a signed confession. Every lawyer knows the meaning of such confessions.

Soon after the occupation of the West Bank, the Israeli military government began to usurp the powers of the courts and concentrate them in the hands of military officials of the Israeli army. It also began to modify Jordanian law in matters not relating to military security. For instance, one of the typical changes that has been made to Jordanian laws is to take all the powers and privileges that had been granted by these laws to the Jordanian government, the Council of Ministers, a particular minister, or a particular official or government subdivision and transfer them to the "person responsible" or to the "person appointed by" the area commander, as Israeli military orders put it.

The Jordanian constitution guarantees the right of all citizens to bring cases in the regular courts, civil or criminal, against the government or any of its departments. This right has been denied by Military Order 164, which forbids the courts of the West Bank to hear any case or issue any order or decision or any other instruction that provides for or enables anyone to initiate a proceeding without a permit against any of the following: the state of Israel and its branches of government and employees; the IDF and its members; the authorities appointed by the area commander or those delegated by him to work in the area; persons employed by such authorities; or anyone in the service of the Israeli army or empowered by it.

Again, we are speaking about the rule of law in the West Bank. From a practical point of view, a lawyer needs books to know what the laws are. But the collected volumes of military orders have long been out of print, and copies are not available. So a lawyer in the Occupied Territories doesn't know the law and cannot even find out what it is. How can he defend his client? This most basic restriction of human rights has continued for the past 16 years of occupation during which civil and political rights as well as the right of self-determination have been curtailed or denied.

The Israeli authorities also use their legislative and administrative powers in the West Bank to acquire as much land as possible. The first of the methods employed by Israel to claim large parts of the

lands in the West Bank was to promulgate Military Order No. 58 concerning "absentee property." This order deals with property in general and is not confined only to real estate. It defines as "absentee" any person who left the area of the West Bank on or after June 7, 1967. It provides for the appointment of a custodian who acts as trustee, holding this property in trust for the absentee owner until his return.

Soon after 1967, Israel took several steps to ease the requirements that have to be met before land can be expropriated. First, by virtue of Military Order No. 321, the requirement to publish an intent to expropriate was done away with. Second, the owner's right to appeal to the civil courts was replaced by the right of appeal to an "objection committee." Felicia Langer can tell you about the chances of such an appeal succeeding in this committee. Third, by virtue of Military Order No. 291, the former procedures for settling land disputes in a settlement court, which conclusively determined and recorded land titles in the land registry, were abolished. When the West Bank was occupied in 1967, only about one-third of the land had been registered and title to it established. By means of this order, the Israelis insured that title to large tracts of land remained in dispute, enabling them to use conflicting claims to their own advantage.

Next, through a series of procedural steps, the government placed the burden of proving ownership of the land it wanted to expropriate on the Arab landholder. Now, if he fails to prove ownership, he loses the land. The land is then treated as state property, which Israel claims to have inherited legitimately as the successor to the Jordanian government. It has been estimated that 60 percent of the entire land area of the West Bank has already been expropriated, a large proportion of it in the manner I have just described. Some of the expropriated lands are used for military purposes. The majority, however, are turned over to Jewish civilian settlers. At present, more than half of the six million dunams (600,000 ha) in the West Bank are in Israeli hands.

I am sure that everyone is familiar with the case of Eloh Moreh. Eloh Moreh was a Jewish settlement. At that time, I represented the Arab villagers on whose land the settlement had been built. I succeeded for the first time ever in convincing the Israeli Supreme Court that the settlement was illegal. A special session of the Supreme Court agreed to order the settlers to leave Eloh Moreh. But after that case, the government changed the law. Thenceforth, in

order to appeal to the Supreme Court, one had to have special standing. Now at that time, the villagers, because they clearly owned the land, could argue for such standing. But under the new law, I doubt that they would be able to qualify to appeal their case. By using these artificially contrived legal obstructions, the Israeli authorities are preventing people from appealing land cases to the Supreme Court.

You have already heard from Felicia Langer and Raymonda Tawil about other methods used to acquire Palestinian lands. Let me just mention here the destruction of Arab homes. Appreciating the cultural importance to the Arabs of owning their own houses, the Israeli authorities have followed a policy of destroying any dwelling where a suspected guerrilla has been caught, lived, slept, or which he has in any way used, regardless of whether or not the owner gave his consent. Several thousand houses have been destroyed under this policy. No compensation has ever been paid or even offered. As to the legality of these measures, I submit that the interference with land rights and the destruction of homes are plainly illegal measures that cannot be justified on grounds of military security.

Freedom of movement, another basic right, is often restricted. Restrictions on movement are imposed for political purposes, for example, in order to harass the population, to facilitate the expropriation of land and the establishment of Jewish settlements, or to prevent political gatherings. Article 70 of Military Order No. 3 gives the military commander of the Occupied Territories the right to declare certain areas closed and to prohibit movement into or out of them without a permit. This order was used to declare the whole of the West Bank a "closed area." No one can now leave the West Bank without obtaining a permit, unless he wants to forfeit his right to return.

Raymonda Tawil asked me yesterday (I'm not allowed to relate such things outside of the territory of Israel) if she could return to the Occupied Territories. She is afraid that if she doesn't go back now, she will be denied a permit to return in the future. But on the other hand, she is afraid that if she returns, she will not be allowed to leave again. What would you, as a lawyer, advise Raymonda Tawil to do?

This permit is given or denied at the sole discretion of the military governor. The reasons for denying a permit sometimes appear arbitrary, but there is quite often a specific political motive behind them. The military government often uses the granting of a permit as an excuse to exert pressure on a particular person.

The Israeli authorities also routinely impose curfews in areas where a guerrilla operation or political demonstration has taken place. This measure could serve a security function in restoring order or apprehending suspects. However, in a large number of cases, an extended curfew has been used as a means of imposing collective punishment on the entire population of an area and has no relation to the apprehending of suspects. Another restriction on the freedom of travel is the frequent use of roadblocks between towns. This is an everyday experience for West Bankers. Raymonda Tawil mentioned house arrest. I think Raymonda is one of the few people on whom this restriction has been imposed; I do not think it is widely used. More common is an order forcing an individual to stay within a town or village. The Fourth Geneva Convention on the treatment of civilians in occupied territories prohibits the imposition of collective or vicarious punishment. Collective sanctions involve summary action without trial or the possibility of judicial review. In the last 16 years of occupation, collective and vicarious punishments in various forms have constituted part of the Israeli policy of keeping the West Bank under control. For example, an entire family can be arrested if one of its members is suspected of throwing a stone at an Israeli.Other examples are the punishment of [Arab] landlords, the punishment of bystanders, the punishment of entire villages and towns.

The inhabitants of the West Bank are also denied freedom of assembly. The basis on which this restriction is imposed and the broad definition given to assembly are to be found in Military Order No. 101 Concerning the Prohibition on Incitement and Adverse Propaganda. Among other things, this order prohibits gatherings or convening without a permit of ten or more people for marches or meetings where it is possible to hear a speech or talk on a political subject or a subject that may be considered political.

Military Order No. 101 prohibits the raising, exhibition, or attachment of any flag or political emblem without obtaining a license issued by the military commander.

Because of the prohibition placed on other modes of expression, Palestinians in the West Bank often show their political feelings by declaring commercial strikes. The legal justification for outlawing such strikes is found in the British Emergency Defence Regulations of 1945. When a decision is taken to break up a commercial strike, soldiers weld stores shut as a punishment or, alternatively, break locks and open doors by force. The merchants are then forced to sit in

their stores to prevent looting. At other times, they paint an "X" on the closed stores and return later to impose substantial fines, interrogate, harass, or take the storekeeper to jail.

All printed matter in the West Bank is subject to censorship according to regulation 88(I) of the British Emergency Defence Regulations. These powers have been widely used to prohibit the distribution, sale, or possession of a large number of banned books. Among these books are Shakespeare's *Merchant of Venice* in Arabic, the complete collection of the love poetry of the Syrian poet Nizar Kabani, a book on creativity by Khaladeh Said, and hundreds of books on history, religion, science, and literature. Three Arabic newspapers are published in Jerusalem for distribution mainly in the West Bank. These newspapers are under very strict censorship. Everything they print, including sports news and advertisements, must first be cleared by the censor. Censorship is not limited to matters pertaining to security considerations but extends to other areas as well. Newspapers published in Israel enjoy greater freedom, but even these, if they wish to be distributed in the West Bank, must submit to the same Draconian censorship.

From the very beginning of the occupation, there has been tension, hostility, and animosity between the military authorities and Palestinian educational institutions. Academic freedom is limited. The Israeli military government has usurped the authority of the Jordanian minister of culture by virtue of Military Order No. 91, which bans school texts and radically alters other books. Among the subjects to suffer most from alteration are history, geography, civics, literature, and religion.

Immediately after the 1967 war, the Israeli military commander in the West Bank issued Military Proclamation No. 2 concerning the assumption of government by the IDF. Initially, the military authorities exercised their wide-ranging legislative powers cautiously. The area commander generally prefaced military orders with some justification explaining why he believed the order to be necessary for security reasons. Later on, however, this ceased to be the case, and the military freely and confidently legislated in the most sweeping manner. In effect, the area commander assumed full legislative powers. Judging from the quantity of military orders already passed (they number more than 1,000), these powers have been fully exercised. Each of these orders is equivalent to a new law. The number of orders dealing with security matters or matters that may be said to be related, even remotely, to security, is small. The rate at

which new laws are enacted by the military commander exceeds by far the record of the Israeli Knesset or that of the Jordanian Parliament before 1967.

This change in style indicates that Israel has become the administrator rather than just the occupier of these territories. The Israeli authorities are therefore disobeying the basic precepts of international law in the Occupied Territories. They are dealing out illegal punishments and have changed Jordanian law, and all for one reason: The Israeli authorities hope to convince more and more Palestinians of the impossibility of leading a normal life in these areas.

Four points are essential, I believe, to the solution of the Israeli-Palestinian problem. First, we Israelis must recognize that our land is the homeland of two peoples, the Israeli people and the Arab Palestinian people. Second, the conflict between the Jews and the Arabs is the story of confrontation between two peoples on this land, which is dear to both of them. Third, the only way to peace is through the coexistence of two sovereign states, each with its distinct national identity: the state of Israel for the Jewish people, and a state for the Arab Palestinian people, who will exercise their right of self-determination in the political framework of their choosing. Fourth, the border between the state of Israel and the Palestinian Arab state should correspond to the prewar boundaries of June 1967. Fulfillment of all these points will be in accordance with international law and will satisfy, I think, the aims and aspirations of both nations.

Inquiry by the Jury

KASHIWAGI Hiroshi: I have a number of questions. First, who appoints the military judge?
ZICHRONI: He is appointed by the military commander of the area.
KASHIWAGI: Is the judge a military man or a civilian?
ZICHRONI: He belongs to the military.
KASHIWAGI: Can one appeal to a higher court?
ZICHRONI: Not in the Occupied Territories.
KASHIWAGI: Is the "objection committee" you mentioned also appointed by the military? And are its members military or civilians?
ZICHRONI: Yes, it is appointed by the military, and its members are military personnel.

Joe NORDMANN: Is the Supreme Court competent in matters pertaining to these military organizations?

ZICHRONI: Yes. Israel is a Jewish democracy, and I stress the word "Jewish." From the beginning, the Supreme Court decided it had the right to review acts of the military administration in the Occupied Territories, and this has not been denied by the Israeli attorney general. In fact, the Supreme Court sometimes investigates the actions of Israeli authorities in these territories. That is why I was able to succeed in the case of Eloh Moreh: The Supreme Court was ready to investigate, and limit, the activities of the settlers and the government. But now the law is being changed, making things difficult. Local commanders in the Occupied Territories have powers of parliament there, and they can change local laws. Theoretically, the Supreme Court can examine and challenge these laws and decide that they are unreasonable. But this possibility remains more theoretical than real.

Gordon MCINTOSH: Could you tell me the penalty for breaking the curfew?

ZICHRONI: I am not sure, but I think it is the same as that imposed for displaying the Palestinian flag. I believe the punishment is still ten years in prison and a fine of almost US$20,000 (75,000 shekels).

In closing, allow me to mention the case of Felicia Langer. My office is defending her before the Israeli Bar. She took a land case, and the attorney general lodged a formal complaint against her with the Israeli Bar and is threatening legal sanctions. It would be a great help to us if this tribunal could say a word about this case. It has been brought against Felicia Langer because she is so active in defending Palestinians.

David DELLINGER: On behalf of the Chair, I would like to make clear why we have asked Mr. Zichroni to cut short his testimony. The jurors, who have come from all over the world, must begin meeting early this afternoon to deliberate the evidence that has been submitted to them. One of the important purposes of this tribunal is to arouse public opinion to oppose the injustices we have heard described here and that we are to pass judgment on. It is important that we take adequate time to make a fair, just, and eloquent presentation of our findings.

NOTES

1) This citation is from L. F. L. Oppenheim, *International Law*, H. Lauterpacht, ed., 7th Edition, Vol. II, p. 437.

2) Refer to the *International Commission of Jurists Review*, No. 19, December 1977, p. 27.

The Massacre of the Mind

Mamduh Mustafa Adwan
Syrian Poet

I am a Syrian and a poet. I am sure that the jury, witnesses, and observers are all familiar with what happened in Lebanon in the second half of 1982. This knowledge comes from being interested in what goes on in the world you live in. You are so concerned that you have elected to attend this tribunal and share in its proceedings. You are not here simply to add to your knowledge; you are here to put your knowledge in the service of justice and to share in the human responsibility for what is happening to your world, your humanity, and the human conscience.

I have no documents of any kind to submit, nor was I present on the battlefield. I want to share in this endeavor by presenting myself not as a witness but as a victim. So please consider my words a confession rather than a testimony.

I belong to a people that has been killed and persecuted for as long as I can remember. I am 42 years old, and my memory spans at least 30 years. During that time, the West, which calls itself the Free World, and the United States of America in particular, have aided our killers and persecutors. We have been killed silently.

We attempted many things during these years. We tried to improve our human capacities, but Israel forced us to devote all our energies to avoiding annihilation. We tried to improve our lives, but Israel forced us to devote all our efforts to avoiding being erased from the face of the earth. We tried to improve our government and get rid of our backwardness, but Israel threatened us constantly. Even the most backward of our political regimes gains credibility trying to defend itself from continuous Israeli aggression. Even when, in despair, we would say, "Enough of war with Israel, let us improve our lives and develop more human political institutions," Israel would not leave us alone. Finally, in 1982, Israeli political leaders

began to declare openly, at press conferences and in diplomatic circles, that the real borders of Israel are those mentioned in the Bible. In other words, Israel wants all the land between the Nile and Euphrates rivers. Geographically, this area encompasses Syria, Lebanon, Jordan, and the greater part of Egypt and Iraq.

I am a part of that area. I am a Syrian citizen, but all my life I have considered myself a Palestinian. I have seen my people killed in many ways, in cold blood and silence. We don't want to die now, and we didn't want to die before. We cried out and resisted.

In the past, the human conscience was enough to move the world to stop a killer, even though it meant world war. Today, the human conscience is not enough because human beings do not know what goes on in other parts of the world. Where there is silence and ignorance, the killer kills to the very end. By the time the world hears of it, everything is over. The people killed have become a part of history. That is what happened to the American Indians. That is what happened to the black continent, Africa, where peoples were kidnapped and sold into slavery in the New World. That is what happened in Asia where millions died in famines while the colonialists stole everything that life depends on. That is also what happened in Latin America.

We are afraid of becoming the Indians of our age. Modern technology has made our world smaller, but it has also made the world deaf. That is because the mass media reflect the Western imperialist mentality, according to which no problem is worthy of interest unless the white man—especially the white men with racial superiority complexes living in what is known as the Free World—is in danger. That is why the marriage of Prince Charles was considered more important than the Israeli bombardment of Palestinian refugees, and more important than the annexation of the Golan Heights.

I am convinced that powerful imperialist interests are behind the American and West European support for Zionism. But this concerns policy makers, big capitalists, and monopolists. What about the ordinary citizen? American citizens have been exposed to brainwashing, but there is something inside the American psychology that makes brainwashing easier. The American state was established by immigrants who annihilated the Indians and enslaved the Blacks. The American citizen is glad to see other patterns. That is why he is so pro-Israel and not very anti-apartheid where apartheid societies are concerned.

For many Europeans, the crisis of Palestine is an expression of the crisis of their own consciences. In the past, Jews were persecuted, especially in Europe. Deep in his heart, the European is neither ready to forgive himself for that past nor to accept the Jews back again. He wants to wash his conscience clean, keep his self-image pure—at the cheapest price. Instead of becoming more human in his behavior toward the Jews and creating a truly democratic society in which they can live safely, it is easier for the European to encourage Zionism, which sends the Jews to Palestine where he can help them get the upper hand. Europe is saying to the victims of the past, "You were our victims; we persecuted and killed you for so long. Now we will make up by helping you become persecutors and killers in your own right."

This is the crisis of the European conscience. Europe is easing its conscience by helping its victims play the roles of killers and criminals, and by closing its eyes and ears. The world, which for many reasons leans toward the European and American way of life, finds itself forced to close its eyes and ears, too. And the Jews, who seek a refuge in Zionism, after being strengthened, are avenging their past by killing us. They have become the persecutors, and we, the innocents, are the victims.

If we are to avoid becoming the new Indians of the world, somehow, someday, we must find a solution. Will we in turn take revenge on other innocents? Who will they be? Where will it all end? But these questions may be out of place now. We have to guarantee first that we will survive and not meet the fate of the Indians. So we fight back and work in diplomatic circles. We write literature to present our case. We want everyone in the world to hear and know what is going on. We shout, cry, and scream to make our voices heard above the din of Zionist, imperialist, and racist propaganda. It is not an easy task. We are in need of amplifiers. This tribunal is such an amplifier, an occasion to make the voices of the victims heard.

This world of ours is filled with the noise of propaganda. It is crowded with the tragedies of peoples and full of indifference toward crucial human problems. Why did the world keep its silence for four long months as we were being slaughtered? Was Beirut a Roman arena ringed by spectators waiting silently, not with cheers like the Romans, for Sharon and Begin to finish the kill?

I have three confessions to make. Something wrong has happened to the human sense of justice, especially where crimes cloaked in politics are concerned. During the past 30 years, I have

seen and heard of so much killing that I have grown more indifferent. In the process, I have lost something of my humanity.

It is no longer enough for me to know what happened. Information must be presented to me in a certain way if I am to be moved. It is no longer sufficient to know that hundreds have been killed in wars, floods, or famines. Human beings have become numbers. Tens, even hundreds, of human beings, more or less—the real figure is of no importance. Who knows the precise number of civilian victims in Lebanon? In the camps? Who knows what life is like for refugees in the camps this winter?

In order to avoid thinking in human terms, I escape into politics. The victims are all part of a greater problem. Their suffering will end when the larger problem is resolved. That is enough. After all, the solution is complicated. Let others look for answers; it's not my job. Telling myself this, I feel better and can sleep soundly. But before falling asleep, down inside I feel less human for it. That is my first confession.

Second, the more I think about what has happened, the more involved I become. But then I feel powerless to stop it, and that makes me feel impotent. And my impotence seeks compensation. Sometimes at night, and sometimes in my daydreams, I begin to kill. In these dreams, I am full of vengeance. I kill in cold blood to avenge my people, my world, and my humanity. I am changing slowly into a killer who dreams, and that means I am close to killing for real. People will say that this is only natural: In a world of killing, it is natural to defend yourself, by killing if need be. But what kind of world is it in which even an artist thinks nothing of killing? Not only am I less human; the world itself is bankrupt.

The third and final part of my confession concerns poetry. I am a 42-year-old poet. I have left youth behind. Before coming to this tribunal, I received the second edition of my eight-volume collection of poetry. That gave me the opportunity to review all the poems I have ever written.

I was shocked to discover that I have written only three love poems in my life. There is nothing in these volumes about the beauty of women, the human body, or nature; there is nothing about happiness. My poems are full of blood, anger, calumny, and elegies to lost friends and relatives. They tell me I have lived my life in fear, hatred, and vindictiveness, interspersed with tears, sorrow, and depression. How much of my life have I lost! How many of my dreams and aspirations have been poisoned, how much of my creativity denied.

I am approaching old age. My chances of living a free life and enjoying beauty grow less with each passing day. Yet I am not repentant. All my life I have believed what Bertolt Brecht once said: It is a crime to speak about the beauty of roses when human beings are being killed. But what a life to spend 42 years without ever finding the time to enjoy a rose, 42 years filled with war, forced migrations, killings, massacres, and depression. Had I the time and the ability to enjoy roses, I might have become a better poet.

My conclusion is this: The circumstances under which I was born and in which I live, in one part of the Arab world, have prevented me from becoming a better human being. My humanity has bled all this time. My only compensation for this loss is that through my feeling of responsibility, some part of my humanity has continued to grow. I feel I have gained human dignity. At least I can say that although I was a victim, I have lived fully in my world, that I have tried to learn many things about what was going on. Everyone must try to make such a confession, if only to himself. People can discover how much is left of their own humanity by answering these questions: To what extent are you indifferent to the tragedies of others? To what extent did you try to discover what was going on in the world? Do you feel irresponsible because you did not know? Or do you feel responsible because you did not try to know?

It may seem a luxury to speak of these things while discussing massacres and looking at corpses. But I wanted to point to the other massacre, that committed against our humanity, our human responsibility, our human conscience, and our human sensitivity.

Dear Friends! Others brought documents because they wanted to appeal to your minds. I have no documents. That is why I have preferred to appeal to your consciences, which are no less important than your minds in arriving at a judgment.

DOCUMENT SUBMITTED BY BASSAM ABU SHARIF*

INTERVENTION AT THE IPTIL IN TOKYO

March 17, 1983

Dear Friends,

It was very unfortunate that the Japanese government did not grant me a visa to Japan. This decision, which was never explained to me, prevented me from attending the tribunal which is to take place in Tokyo between 18 and 21 March.

Thus I was denied the right to present to the honorable jury and to the honorable judge the facts about the Israeli invasion of Lebanon which I've witnessed personally. This tribunal is of great concern to the PLO. We expect the results to be of utmost importance to us and to peoples over the world.

That is why I would like to ask you . . . to accept this letter as one of the tribunal documents.

Bassam Abu Sharif

Introduction

Before dealing with the savage acts committed by the Israeli occupiers, allow me to introduce my intervention by pinpointing some facts that I consider of utmost importance and that will be of great help to the court. In view of these facts, one realizes the size of the savage operation conducted by the Israelis against the people of Lebanon and Palestine.

Fact I: The Israeli government and the Zionists in general have always denied the Palestinians their right to self-determination. They still insist on denying this.

Fact II: The Israeli government and the Zionists have also denied the right of the Palestinian people to establish their own independent state. They are still clinging stubbornly to this policy.

Fact III: The Israeli government considers such rights as a "direct and imminent threat to the state of Israel" and a "negation of the essence of the idea behind the state of Israel" (as expressed by Begin and Sharon and previously by Ben-Gurion and Golda Meir).

Fact IV: On this basis, the Israeli goverment indoctrinates students from the elementary classes to hate the Palestinians and to regard them as a plague. An Israeli officer, interviewed by a British newspaper just as the Israelis occupied Ba'abda (southeast of Beirut), expressed this idea openly: "The Palestinians are a plague. I hope that they are all wiped out." When the reporter reminded him that his words sounded like the Nazis, he answered, "I know. I insist on my words. You can publish that."

Fact V: The Israeli government, since the establishment of the state of "Israel" on Palestinian soil in 1948, has kept the dream of establishing "Greater Israel" from the Nile to the Euphrates and has worked accordingly, using the U.S. arsenal.

Fact VI: Guided by this overall expansionist dream, the Israeli government invaded the Sinai, the Gaza Strip, the West Bank of the Jordan River, and the Syrian Golan Heights in 1967. Moreover, the Israeli occupier officially announced the following steps:

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*Bassam Abu Sharif was invited to testify before the tribunal but could not attend for the reasons he explains in this document—Eds.

A. Annexation of the Golan Heights. Immediately all Arabs were forced to obtain Israeli identity cards. Those who refused had their land confiscated.
B. Ten years ago, the Knesset (Israeli parliament) passed legislation preventing any Israeli government from negotiating the future of the West Bank before holding a public referendum.

Fact VII: Since then, the Israeli government has taken measures to annex the West Bank in practical terms. I list *some* of these measures below:

A. Arab farmers were not allowed to dig new water wells or to maintain the old ones. At the same time, the Israelis dug new deep water wells that turned the water in the Arab farmers' wells salty. Thus, Arab farmers were confronted with two alternatives: Either they work for the Israelis, or they look for jobs outside the West Bank.
B. The Israelis have systematically confiscated Arab land for agricultural and strategic purposes. So far, 54 percent of the fertile land has been confiscated.
C. The Israelis have taken all steps to force Palestinians out of the West Bank. Here I will limit myself to mentioning only four of these steps:
    1. The law of mass retaliation, enforced by Dayan, whereby a complete quarter will be destroyed if an act of resistance occurs in that quarter.
    2. As stated before a Haifa court last month by Gen. Eitan, chief of staff of the Israeli army, the Israeli government has decided to punish the families of elementary school boys who demonstrate against the [Israeli] occupation.
    3. Moshe Arens, the new Israeli minister of war, announced last week [in March] that he will take steps for mass reprisals if the mass demonstrations against the occupation forces continue. I don't need to explain the meaning of mass reprisals in the Israeli dictionary: Sabra, Shatila, and before that, Deir Yasin, Kafr Qasim and Qibya are clear definitions.
    4. The Israeli government carries out plans to build military and paramilitary settlements in the West Bank, the Gaza Strip, and the Golan Heights using confiscated land and strategic geographical positions. By the end of 1982, 109 settlements had been built in the West Bank and Gaza Strip. The Israeli government has announced plans to increase the number to 136 by the end of this year and to raise the number of settlers in the West Bank to 100,000 by 1985.

This is not all that the Israelis have in their basket for Palestinian Arabs. Last week 40 soldiers and militia members of the Kiryat Arba settlement attacked one of the sacred Islamic shrines, al-Aqsa mosque, and tried to build a settlement there. They were armed. The only reaction of the Israeli interior minister, Yosef Burg, was a condemnation of the *method* used; he affirmed Israeli rights to the shrine as it is considered holy for Jews, too.

Fact VIII: The Israelis have long planned to usurp the water sources in the region. The West Bank has beneath its surface huge reservoirs which accumulate rainfall from the western mountain slopes. These are now under Israeli control; they are used to keep the salt content of Israeli coastal wells in balance. The Galilee, especially Upper Galilee, has had water problems for several years. The Litani River, the basin of which the Zionists tried to include as part of "Israel" before 1947, is regarded as the only water source that can solve the problem of the Upper Galilee. Since then, Lebanon, or at least the Litani basin, has been a target for Israeli expansionism. The Israelis threatened to destroy any dams that were built in addition to Karoun dam (Biqa' valley). The Lebanese stopped a major plan to build another dam. This left the northern Biqa' thirsty. According to the Israeli water authority, the Israelis plan to draw 500 million cubic meters of water per year from the Litani.

Fact IX: For years, "Israel" has been looking for nearby markets for its industrial and agricultural products. The West Bank, for example, is not regarded as important by the

Israelis for ideological or security reasons only. Chief among their reasons is the economic one. The West Bank and Gaza Strip provided "Israel" with the closest market. Thus, Israeli products can compete due to cheap transportation costs. In addition, cheap labor from the West Bank and Gaza Strip is exploited to the utmost. This has reduced the costs of production in "Israel," making Israeli products more competitive.

The U.S. administration supplies "Israel" with financial and technical assistance. This has pushed Israeli industry way ahead. "Israel" is now an exporter of military hardware, especially to despotic regimes in Latin America and to the racist regime in South Africa. Nevertheless, the neighboring markets are the most profitable. Lebanon is targeted as one of these markets. These facts, although brief, help to put the Israeli invasion of Lebanon in the proper context.

The Invasion of Lebanon

On June 7, 1982, Begin announced openly and clearly the aims of the invasion, which he paradoxically called "Operation Peace for the Galilee". At a Tel Aviv press conference (and later reiterated by Sharon and Eitan), Begin outlined these aims as follows: 1) the eradication of the PLO and its allies; 2) the establishment of a security zone in south Lebanon ranging 40 to 45 kilometers north of the Israeli border; 3) the ouster of Syrian forces from Lebanon; and 4) the establishment of a strong government in Lebanon that will be able to sign an agreement to normalize relations with "Israel."

At this point, I think it is right to say that any verdict should take into consideration that the crime was not only premeditated and planned, but also openly and officially announced. The Israelis mobilized 120,000 soldiers to commit the crime. People with even simple military knowledge realize that such a huge army needs at least twice its number for administrative, medical, and logistical purposes. Thus, it is not inaccurate to say that the whole Israeli force was deployed to commit the crime. The Israelis used the air force, the maritime force, armored brigades, and their missile forces.

In Beirut, during the siege, we displayed samples of the deadly ammunition which the Israelis used. Almost all of it was recently produced by U.S. factories. A good part of the ammunition used for destruction and mass killing is internationally prohibited. I will mention some of these, bearing in mind that other respected colleagues will deal with this matter.

a) The Israelis used cluster bombs against civilian quarters in the Palestinian camps of Rashidiya, Burj al-Shimal, 'Ain al-Hulwa, Sabra, Shatila, and Burj al-Barajna. Thousands of people were killed because of this.
b) The Israelis used phosphorus bombs, which had a disastrous effect on civilians.
c) The Israelis tested the new technique of an advanced vacuum bomb against huge buildings full of civilians who had taken refuge there because the camps where they lived were completely destroyed.

The Akr building in the Sanaya quarter of West Beirut was a testing ground for the vacuum bomb—340 civilians were sandwiched between the 11 crushed floors of the building. I can testify that another, 12-story building was filmed, calmly, while it was collapsing under the impact of a vacuum bomb fired by a U.S.-made F–15 fighter bomber. The film was shown one time only by Lebanese television. The building was empty and located very close to the confrontation line between Hadath and Sfayr, southeast of West Beirut. This was a clear example of using Lebanese and Palestinian civilians as guinea pigs. Later, the Pentagon and Israeli generals stated that a joint committee was formed to study the results of testing the new, highly advanced, deadly weapons and ammunition used in Lebanon against civilians.

The Israelis did not expect a serious and solid confrontation on the part of the Joint

Forces (the PLO and the Lebanese progressive and nationalist forces). At the beginning of the invasion, Begin and Sharon announced that it would take four to eight days to "complete" their job. However, the heroic defense and confrontation of the Lebanese and Palestinians drove the Zionists mad. They intensified their destructive and deadly attacks. They inflicted thousands of civilian casualties. On August 4, according to their own official sources, the Israelis shelled West Beirut from the air, sea, and land with 196,000 shells of different types. On August 12, they admitted shelling West Beirut with 220,000 rounds of varying types and weight. The amount of TNT force thrown at Beirut over 17 hours that day is equal to twice the TNT force of the atomic bomb dropped on Hiroshima.

The result of the savage invasion was the destruction of the Burj al-Barajna camp (which I visited at that time with Time magazine correspondent William Stewart), and the 'Ain al-Hulwa camp. The rest of the camps were partially destroyed. Three southernmost quarters of Beirut were totally destroyed. Ten other areas of southwest Beirut were 80 percent destroyed and left useless for living. Six other quarters were partially damaged.

The hospitals were also targets for the Israeli artillery and planes: The childrens' section of Maqassed Hospital was severely shelled; the Barbir, Akka, and Gaza hospitals were partially damaged. The House of the Invalid was destroyed; American University Hospital was hit by a few shells. Estimates of civilian casualties during the invasion run to 72,000 killed and over 100,000 injured. Other respected colleagues may have more accurate figures.

Departure and Massacre

The siege of West Beirut did not demoralize the fighters of the Joint Forces. Contrary to Begin and Sharon's expectations, the Joint Forces defended the city heroically. Sharon tried to storm Beirut 17 times, the last of which was the attack through the museum entrance. The heroic defense at that point inflicted heavy casualties in the ranks of the Israeli occupiers (300 killed or injured, 22 tanks destroyed or damaged).

At that time, conditions of daily life in West Beirut were very severe. The Israelis had cut off the electricity and water supplies. They forcibly prevented food, fuel, and medical supplies from being sent to the city. These conditions, added to the savage daily shelling of the civilian quarters, had an impact on the 800,000 civilians in West Beirut. Shelters were few and no longer safe because of the deadly prohibited bombs used by the Israelis.

That was the only source of pressure on the leadership of the PLO and of the Lebanese nationalist forces. The Joint Forces leadership had taken a decision to defend the city. It had done that very bravely. It had rejected all conditions that Philip Habib and the Israeli cabinet tried to impose. We wanted to save the city from the destruction that was systematically being carried out by the Israelis. We also wanted to save the civilians who were exposed to daily massacres committed by the Israeli forces. After 89 days of fierce battles, the Joint Forces leadership worked out with the Lebanese Prime Minister Wazzan an agreement which was quite honorable for the Joint Forces. Surrender was out of the question. Thus, the first Israeli dream was smashed.

Offers for departure under Red Cross flags were rejected. Eventually we got the following guarantees:

1. Palestinians in the camps will be protected by the multinational forces (MNF).
2. Detained and imprisoned Palestinians and Lebanese at al-Ansar camp will be released.
3. Departure from Beirut will be in full-fledged, organized military form. Personal arms of every fighter will be kept.

I would like to testify at this point that I personally discussed the idea of protecting the camps with the Italian ambassador to Lebanon at the time. This is closely related to the savage events that later took place at Sabra and Shatila.

The MNF were supposed to remain in Beirut until the end of September (the last week of September) according to the agreement signed through Prime Minister Wazzan. However, surprisingly to many people—but not to the U.S. ambassador to Lebanon, Dillon, and his aide, Draper—the MNF withdrew much earlier, between September 10 and 11, which was 12 days before the scheduled date. The Americans withdrew first and gave advice to both the French and Italian ambassadors to withdraw their forces. The reason given by Draper: "Not to be embarrassed by possible incidents that might take place." (Note: At that moment Bashir Gemayel had not yet been assassinated.)

In my discussion with the Italian ambassador on August 20, 1982 at the Bristol Hotel in Beirut, he defined clearly the mandate of the MNF and in particular the role of the Italian forces. He said that part of the mandate was to protect Palestinian civilians *in their camps*. That confirmed to me what was agreed upon when we specified the dates for the departure of our forces from Beirut. He stressed the point that Palestinians outside the camps would not be under the jurisdiction of the MNF. That is why Palestinians were asked to go back to the camps. Burj al-Barajna camp was completely destroyed. Yet Palestinian civilians went back there, using tents.

My analysis is that U.S. officials knew through their contacts with the Israelis and the Phalangists that the camps would be stormed by both. According to an Israeli official who commented on the departure, the Americans didn't comment on the Israeli warning that they would go into West Beirut if any PLO fighter remained there.

Why did the withdrawal of the MNF take place on September 10 and 11? Why did Draper of the U.S. embassy advise both the French and the Italians to withdraw? What was he expecting in the way of "embarrassing events"?

As was later clear, Draper could have had only one of two events in mind: The assassination of Bashir Gemayel, as happened September 14, or the Israeli advance into West Beirut after the full departure of the PLO forces. Knowing that Bashir Gemayel was the U.S. administration's friend, I will rule out the first point. Had Draper had any hint about this, he would have warned the elected president of Lebanon at the time. The only possible point, then, is the Israeli advance into Beirut. This is why the MNF withdrew on September 10 and 11.

If the MNF withdrew on September 10 and 11 because they did not want to be embarrassed, then the Israeli decision to advance into PLO-empty Beirut will provide us with two important points, which I hope will help to establish your verdict: First, the Israelis lied when they declared that they advanced into Beirut to prevent incidents or riots after the September 14 assassination of Gemayel. Second, massacres in the camps were planned before the assassination took place. There is established proof that the Israelis, Phalangists and U.S. officials knew that the camps would be stormed with whatever "incidents" would accompany that. (The fact that some Lebanese officers also had foreknowledge is evidenced by the fact that army posts in the vicinity of the camps were vacated before the massacres began.)

The Israelis officially announced on the eve of their advance that they wanted to prevent such "incidents." President Reagan admitted on September 20 that the Israelis informed him that they would advance to West Beirut to prevent incidents and to prevent a setback (as he called it) or the return of the PLO forces!

The Israelis advanced into Beirut and established several strongpoints, mainly around the camps. They prevented Palestinians from leaving the camps. They brought in the Phalangists by planes to Beirut airport. They drove them to the Bir Hassan area, overlooking Sabra and Shatila. They gave orders to let them into the camps, which they had sealed off. They transported ammunition and personnel. They lit up the camps round-the-clock with flares.

The second day of the massacres, the Israeli posts stopped women and old men who tried to escape and threatened to shoot them if they didn't go back to the camp. Twenty meters from the Israeli post near the Kuwaiti embassy, young women were raped in front of Israeli soldiers and men were killed. I will refrain from further description and refer you to Amnon Kapeliouk's book, *An Investigation into the Sabra and Shatila Massacres*, which I trust completely.

As a conclusion to this part, I say that the storming of West Beirut and the massacres in the camps were premeditated and planned by the Israelis, as was the whole plan for the invasion of Lebanon. That is why U.S. troops withdrew on September 10. I should add that this plan was worked out by the Israelis, but the Phalangists (the Leabanese fascists) played the tool. The U.S. knew of the Israeli advance into West Beirut before September 10. Therefore, I consider the U.S. government in general and Philip Habib in particular as accomplices to the crime.

Finally, I have to add that Elias Sarkis, ex-president of Lebanon, and some of his staff are also accomplices to the crime of the invasion as a whole. Needless to say, Sarkis never defined the Israelis as occupiers although Lebanon was invaded.

PLO—Victorious

The main aim of the invasion was, as Begin expressed it, to destroy the PLO and liquidate its leadership. But despite the machines of war supplied by the United States, the Israelis failed. They and the United States wanted to liquidate the PLO, the sole legitimate representative of the Palestinian people, to clear the way for the Reagan proposals, which immediately followed the invasion. The Reagan plan for the Middle East aims at using all the crimes of the invasion in such a way as to destroy the Palestinian entity, which we have built by struggle and sacrifice over the past 18 years.

The infrastructure of the PLO, which they tried to destroy, was rebuilt in a few months. The meeting of the Palestine National Council held in Algiers from February 14 to 21 consecrated the national unity of the PLO, which has also been the target of a conspiracy by many antagonistic circles. Contrary to the expectations of these circles, the PNC succeeded in drawing up a program for the Palestinian struggle in the coming future. We will continue our struggle, no matter how great the sacrifices needed, for we know that we are at the front line, defending not only ourselves as Palestinian people but also the whole world from Zionism. The UN General Assembly has called upon all people of the world to struggle against Zionism, because it is a reactionary, racist, and expansionist movement. We need your help.

To conclude, the massacres of Sabra and Shatila prove again the extent of the crime that was jointly planned by the Israeli colonialists and the U.S. imperialists: the crime of eliminating the Palestinian people and cause. To be sure, the PLO and the Palestinian people will remain and will continue fighting, despite all suffering. For decades, the Palestinian people have been struggling to attain liberation and build their own independent state. No force on earth is going to stop them from achieving this.

Once more, I would like to say that it was very unfortunate not to be able to attend this tribunal, but I'm sure that your presence and participation will unmask the true nature of "Israel" and Zionism and will help further the struggle of the Palestinian people. The decision of the Japanese government was not a mere administrative decision. It was a political decision. The Japanese government is in full accord with the aims of the U.S. and Israeli governments, but no act of the Japanese government will prevent the voice of the Palestinian people from reaching the Japanese people and the peoples of the world. Because

for a long time, there has been unity in struggle between the progressive forces of Japan and the Palestinian revolution. And long ago, the alliance was built among all progressive and peace-loving people of the world.

Finally, I am convinced that the tribunal will be successful and that the outcome will be a further step in combating imperialism, Zionism, and reaction. The non-aligned countries of the world have taken a decision to form a tribunal for the invaders. This will be another success, I hope.

INTERNATIONAL PEOPLE'S TRIBUNAL ON THE ISRAELI INVASION OF LEBANON

JUDGMENT OF THE TRIBUNAL

PREFACE

The International People's Tribunal on the Israeli Invasion of Lebanon is based on the principle that all the people of the world have the right to live in peace, freedom and equality, and in accord with the principle of self-determination, without infringing on the rights of any other people to do the same. They should be free from assaults on their own lives and dignity and free from the burden of complicity in the denial of any of these rights to others by their government.

When these basic human rights are violated, the people have both the right and a duty as human beings to investigate the injustices and to communicate their findings to other people as a step toward creating democratic pressures by the informed conscience of the world to put an end to them.

The present tribunal has been organized in accord with these principles and in solidarity with all the Palestinians, Lebanese, Israelis and other people who have been wronged by the invasion of Lebanon and other acts by the Israeli government, in which we find the U.S. government to be complicit. The Tribunal's initiators, endorsers, members, witnesses and supporting specialists in law, medicine, science, human relations and international affairs come from five continents and many lands.

By its nature, the Tribunal does not pass judgment of criminal guilt on particular persons. It is not our task to determine how responsibility should be shared among members of the governments, military leaders and personnel, the makers and suppliers of inhuman weapons, voters and those who take no action to put an end to wrongful acts and practices.

Because of the force of its condemnation of the actions of the government of Israel, the Tribunal wishes to emphasize that the spirit

and principles on which the Tribunal has functioned have their roots also in the long struggle of Jews in many countries against anti-Semitism and oppression; in the lessons of the crimes perpetrated against them by the Nazis and the failure of the populations of the world to stand in solidarity with the Jews to prevent these atrocities; and in the recent protests by many Jews in Israel and around the world against the invasion of Lebanon. The Tribunal has carried out its work with the active participation of numerous Jewish participants as members of the Jury, witnesses and supporting advisors.

These facts must not be used to justify the crimes of the Israeli government. Nor will they excuse the failure of Jews or anyone else to heed the cries of the Palestinians and to stand in solidarity with them and others to put an end to the persecutions they suffer.

We wish to communicate to the Israeli people our judgment that the crimes of their government are of such a nature and on such a scale that they constitute an attack on the already besieged moral structure of the world.

The crimes that we summarize in the following judgment consist of Crimes against the Peace, Crimes against the Conventions of War (limited and inadequate as these conventions are), Crimes against Humanity, and Crimes against the inalienable Right of Self-Determination that culminated in the invasion of Lebanon. Together, in their totality and combined effects, they constitute an attempt to commit Genocide against the Palestinian people.

It is the Tribunal's conviction, buttressed by strong and detailed testimony, that these crimes violate the rights of the Palestinian and Lebanese peoples, including the right to life itself. They cause grievous moral, economic, political and spiritual harm to the people of Israel. It is our conviction that the well-being, security and self-determination of the Israeli people require the well-being, security and self-determination of the Palestinian people.

The support the United States government provides for these crimes debilitates the conscience of its citizens who tolerate such practices and adds to the economic burdens of the people.

Finally the Tribunal is convinced that the Israeli crime of usurping the sovereignty of Lebanon by its continuing military presence threatens to transform that country into an Israeli protectorate and to expand the present conflict into a general war.

JUDGMENT

The International People's Tribunal finds the government of Israel guilty of acts defined as war crimes under international law. These findings are not new. Several international commissions of inquiry, as well as a number of other international organizations, have already found the Israeli government guilty of war crimes. The evidence we have seen and heard during these hearings confirms and extends these earlier findings. In setting down the judgment of this tribunal, it is essential to use terms appropriate to internationl law. But it is not the intention of this judgment to identify these acts as crimes merely because they violate clauses of certain treaties and charters. They do violate such clauses, but they also violate much more: the minimum conditions for human beings to live together on earth in a civilized state.

We have been horrified by testimony as to the effects of these crimes both on the bodies of the Palestinian and Lebanese victims, and on the minds of the Israeli and Lebanese soldiers who were used as their direct perpetrators. We have heard that the projectiles of the futuristic cluster bomb, traveling at an ultra-high velocity, can enter an arm or a leg through a relatively small hole, and then churn up the inside into a kind of paste of shattered bone and flesh, leaving something that looks like a limb but is only a skin sack, whose contents can be squeezed out like toothpaste from a tube. We also were shown a photograph of a young Israeli soldier standing on a Beirut streetcorner, who had told the photographer who testified that his method for overcoming the fear he felt was to think of the people around him as not human. It is as painful to witness the tissue of a soul being churned to paste as it is to witness that effect on the tissue of a body.

We find the government of Israel to be guilty of the following crimes:

1. The Crime Against Peace.

This is the primordial war crime—the crime of making war where there was peace. The argument of the Israeli government that it acted out of self-defense is rejected by this tribunal, as it has been by all previous international commissions of inquiry.

The Israeli government's crime against peace has two aspects. First, it is a violation of the sovereignty of the state of Lebanon. Second, it is aggravated by the fact that the specific peace which it

murdered was a very fragile peace with the Palestinians, under a cease-fire which had been achieved only after long and painful negotiations. It had been kept for nearly one year through an act of will and discipline by the PLO. The whole world was praying it might be nurtured and developed into a general settlement.

2. War Crimes

Within this category of international law is contained a variety of ghastly weapons and methods of warfare. We heard testimony on the use of high-technology weapons that seem designed not just to create casualties but to inflict maximum suffering. The effect of the cluster bomb has been described. We heard testimony and saw evidence that phosphorus bombs, new anti-shelter bombs, newly developed vacuum bombs and fragmentation bombs were also used against the civilian population. One doctor witness said that 60% of the patients his team treated were children.

The Israeli military bombed targets specifically forbidden under international law—hospitals, research institutes, orphanages, schools, the Arab University and mosques and churches. One witness showed us photographs of the bombed-out building of a clinic for mentally handicapped children which had been recently established in a refugee camp.

The Israeli military violated international law in laying siege to the city of Beirut—surrounding it and cutting off the water, electricity, gasoline, food, and medical supplies while the city was under bombardment. We have convincing evidence that a pilot was ordered to bomb the city of Tyre without regard to any specific target. The Palestinian camp in Sidon, with 80,000 inhabitants, was bombed for eleven days and left in complete ruin, the number of victims unknown.

We also heard testimony that doctors and nurses who were desperately trying to save the lives of at least some of the burned and mangled human beings who were being brought into the hospitals were arrested, literally dragged from their operating tables, leaving the patients to die unattended.

One of these doctors described a variety of methods of torture—kicking, beating, deprivation of food and water—carried out by Israeli soldiers against the Palestinian civilians with whom he was imprisoned. Thousands of such prisoners, not recognized as prisoners of war, are still being held.

We want to point out that despite the grave nature of these

individual acts of illegal and inhuman cruelty, the bombardment, especially of Beirut, itself must be counted as the greatest war crime, a massacre from air, land and sea. No one can deploy weapons of that nature on a crowded city without having the intention to kill great numbers of civilians indiscriminately.

3. Crimes Against Humanity

This category of international law includes a variety of large-scale crimes systematically directed at civilian populations.

The Israeli government, and not just a few scapegoats, bears direct criminal responsibility for the massacres at the Sabra and Shatila refugee camps. We heard testimony, which was inconclusive, that there were some Israeli soldiers with the Phalangists in the camps at the time of the massacres. But whether or not these reports prove to be true, the Israeli government bears direct criminal responsibility for the massacres because the Israeli Defense Forces were in military command of the city at the time, and—as the Israeli government's Kahan Commission report makes perfectly clear—the Phalangists were under the direct military command of the IDF. One witness testified that she saw Phalangist troops just outside the camps at the time, talking on walkie-talkies. This indicates that the Phalangists were integrated into the military communications and command system of the IDF.

But more than this, the entire assault by the Israeli government on the Palestinian people in Lebanon is a crime against humanity, insofar as it was and is an attempt to break their very will to be Palestinians and to terrorize them into a mass flight from the country.

The methods of warfare described above are criminal and contemptible no matter by whom, and in the name of what cause, they are used. There is no religion, ideology, tradition, national entity, no plea even of self-defense, which has the power to transform acts such as these into anything other than crime. To use such methods in the defense of any human value—be it peace, justice, or liberation—is to degrade that value into a cheap hypocrisy.

4. The Crime of Depriving the Palestinian People of the Right to Self-Determination

Self-determination is the inalienable right of all peoples. It is the fundamental principle upon which the justification of the existence of any nation-state depends. The argument that the state of Israel has a right to exist cannot be made without reference to this right. The fact

that this right is being denied, in violation of international law, is the key to all the other war crimes committed and being committed by the Israeli government in Lebanon. We cannot say that it is the sole purpose of the invasion itself, but it is the only explanation for the criminal excesses which were systematically used during that invasion. When an army is in pursuit of purely military objectives, its purposes are not served by blowing up children's clinics, looting books from libraries, and destroying civilian residential areas and the people living in them. These activities make sense only when they are seen as part of a massive project to abolish the Palestinian people as a people.

In the Occupied Territories this has taken the form of systematically outlawing and destroying all physical expressions, signs, and symbols of Palestinian national existence—buildings, cultural properties, organizations, books on Palestinian history, the Palestinian flag, etc. All of this has been well-documented elsewhere. This activity was intensified to the level of war crime during the invasion of Lebanon. There too, Palestinian institutions and properties were systematically destroyed. One doctor testified to us that his hospital was put out of operation because it was a Palestinian hospital, treating Palestinians. Moreover, the dropping of instruments of torture—cluster bombs, phosphorus bombs, etc.—on the civilian residential sections of the city can only be described as an act of massive state terrorism.

On the other hand, several witnesses from the Occupied Territories testified that with the invasion of Lebanon, oppression against the Palestinian people—including curfews, stoppage of water and food supplies, demolition of houses and facilities, kidnapping and assassination of leaders, and especially expropriation of Arab-owned land—has intensified under Israeli military control and jurisdiction.

We hold that these acts taken together constitute a form of Genocide, not in the sense that they aim for the death of every Palestinian, but that they form a project to annihilate the very notion of a Palestinian people, and transform them into dispersed refugees.

Moreover, the rights and activities of the Israelis who are protesting against these acts, and who respect the human rights and the right of self-determination of the Palestinian people, are being violated conspicuously. In Israel, freedom of the press is restricted.

Complicity of the U.S.

We confirmed from the testimony and evidence presented to the Tribunal that the U.S. government has grave responsibility for these crimes committed by the government of Israel. Giving aid to a criminal means participation in the crime. By persistently supporting the aggressive policy of the Israeli government diplomatically, economically and militarily, the U.S. has made possible the Israeli invasion of Lebanon. The U.S. has induced war crimes by supplying cruel new weapons to the Israeli forces. Although the U.S. had guaranteed the safety of the Palestinian people in mediating the talks between Israel and the PLO, it did not prevent the massacres in the Sabra and Shatila camps. Had the U.S. firmly stood against the aggressive policy of the Israeli government, neither the invasion of Lebanon nor the massacres in Sabra and Shatila camps would have occurred. Between June and August, 1982, the U.S. vetoed resolutions in the U.N. Security Council calling for withdrawal of Israeli troops from Lebanon. And to this day, the U.S. is not using the power, which it clearly has, to force Israel to evacuate its troops from Lebanon and to recognize the right to self-determination of the Palestinian people.

APPEAL BY THE TRIBUNAL BASED ON THE PRECEDENT JUDGMENT

One of the witnesses who appeared before the Tribunal spoke eloquently not of other people's crimes and cruelty but of the loss he felt in his own humanity in the midst of "so much killing." He affirmed the importance "when discussing massacres and seeing corpses" of fighting against "the other massacres committed against our human conscience and sensitivity." He reminded the Tribunal that each of us must ask ourselves about our own responses, our own responsibility to try to put an end to both types of massacre.

We have reported testimonies of cruelty and suffering that can be responded to with despair and a diminution of our own humanity or a determination to seek for solutions that will nurture coexistence and peace. We are encouraged to embark on the second course by the emergence of an unexpected and recurrent pattern in much of the testimony.

One of the most impressive aspects of the hearings was the powerful, passionate, and dignified expression by both Jewish and

Arab citizens of Israel, by Palestinians living in the Occupied Territories and by Palestinians living in exile, of their will to live peacefully, side by side. We are impressed by the growing dialogue that is taking place between organizations and individuals on both sides, in a sometimes desperate, sometimes hopeful attempt to explore steps that can be taken to achieve peace and self-determination for both Israelis and Palestinians in the Middle East.

We support this dialogue and urge everyone who opposes the slaughter to support it, and to oppose those forces which seek to crush it.

We appeal to the people of the world to demand that Israel withdraw its troops from Lebanon, release all political prisoners and prisoners of war, lift its oppression of Palestinians and Israelis both in the Occupied Territories and in Israel, seek direct negotiations with the PLO, recognize the Palestinian right to self-determination, withdraw to the pre-1967 borders, and pay reparations to both the Lebanese and the Palestinians.

We urge all organizations concerned with peace and justice to send representatives, including lawyers, journalists, medical experts, weapons experts, activists, and ordinary people to Israel, to Lebanon and to the Occupied Territories to see directly and report on what is happening there.

We appeal to anti-nuclear activists to recognize that the continuing international criminal activities of the Israeli government could well become the cause of a nuclear war.

We appeal to workers and to the trade union movement in Israel, the U.S., and all countries to refuse to manufacture, load, or transport cluster bombs, phosphorus bombs, vacuum bombs, anti-shelter bombs, or any other such weapons of mass death.

We appeal to the people in countries that provide economic support to the state of Israel to bring pressure on their governments to withdraw their support until Israel recognizes the inalienable rights of the Palestinian people.

We support citizens of Israel who refuse to serve in unlawful activities in Lebanon and the Occupied Territories.

JURORS' COMMENTS

UTSUNOMIYA Tokuma (Japan)
President of the Jury
Member of the House of Councilors

The International People's Tribunal on the Israeli Invasion of Lebanon (IPTIL) has rendered its judgment in a spirit of fairness and generosity. On behalf of the jury, I would like to thank the witnesses who prepared and delivered the testimonies on which this judgment was based. People of many nationalities have come to this small forum to discuss the issues of peace and social justice. Through this effort, we have demonstrated that ordinary citizens can contribute substantially to the peace process and that this task is neither difficult nor impossible. By the same token, the Japanese people have demonstrated their willingness and ability to take the initiative in organizing such a movement. I now call on the Japanese government to do the same.

Roman BEDOR (Republic of Belau)
Anti-pollution Activist

The IPTIL judgment incorporates most of my views. During the tribunal I found that I was the only participant from the Pacific islands, and what I have to say represents the views of many Pacific peoples, and of other peoples as well. I am one of the few member of the jury, from a country that is still colonized. During the past three days of listening to witnesses testify about the right of self-determination, I felt that many of them were testifying on behalf of our people in the Pacific as well. Sovereignty is something that cannot be created by legislation, by a colonial power, or by an occupying force. I feel strongly that the people of Palestine are entitled to their independence and right of national self-determination.

YOSHITAKE Teruko (Japan)
Critic, Women's Activist

The sincerity and even-handedness with which the tribunal was conducted surpassed my expectations. Throughout the testimonies I was reminded of a film some of you may have seen called *Mourir à tue-tête*. It was made by a female Canadian director who takes up the issue of rape. Whereas a male director would have filmed the woman being raped, this director filmed the face of the rapist throughout the act. His expression is as cruel and inhuman as his deranged spirit. The facts of the Israeli invasion of Lebanon, the atrocities of the Phalangists, and the Israeli armed forces, the complicity of the U.S. government are superimposed in my mind with the expression on the rapist's face.

The tribunal's judgment condemns the atrocities committed in Lebanon not as a mere attempt to destroy human lives but as an effort to destroy the human spirit itself. In *Mourir à tue-tête*, the rapist's expression is the very absence of human sensitivity as he attempts to destroy spiritually the woman he is violating. The bombings of Vietnam and Hiroshima are skillfully juxtaposed with this scene, suggesting that the seed of all violence, including war and invasion, is rooted in male violence against women, of which rape is the epitome.

I am sure that everyone here agrees with the conclusions of the tribunal: In defense of human dignity and sensitivity, the path of peace and coexistence must be taken by all and retaliation by force rejected. In our daily lives, we are in danger of internalizing attitudes that condone violence. We are all therefore accomplices to some extent of the Israeli crimes in Lebanon. The only way to overcome this part of ourselves is to accept our differences, join hands with men and women of every nationality, race, and religion, and work together for peace.

Joe NORDMANN (France)
President of the International Association of Democratic Lawyers

I am grateful to the prominent Japanese who took the initiative to organize this tribunal. Other actions have been taken earlier with the

same aim. For instance, last October [1982], the International Association of Democratic Lawyers organized a special conference to analyze the crimes committed during the Israeli invasion in the light of international law and created a permanent investigation team. But the present judgment, with its emphasis on human conscience and sensitivity, with its appeal to the people of the world, goes beyond all previous actions. Taking place in Tokyo, it must have the utmost efficacy, especially in its condemnation of the United States, where the arrogance and aggressiveness of the Israeli government are rooted. International institutions have been paralyzed until now by the strategic alliance between the U.S. and Israeli governments. But it must be emphasized that negotiations have to be undertaken at a special international conference sponsored by the United Nations if the Palestinian problem is to be successfully resolved. Perhaps this comment could be added to the judgment. The effectiveness of public opinion on even the most powerful governments has been demonstrated before, particularly during the Vietnam war.

Mazisi KUNENE (South Africa)
Poet, Lecturer at the University of California

I must make a confession here, like my friend from Syria, although my particular confession is different. I was very skeptical about the tribunal before I came. This was not because I have no confidence in the organizers, but as one attends meetings one develops a sense of cynicism. One wonders whether any of them will achieve what they are intended to. But I must say that here I have attended one of the most moving, most creative, most fulfilling international gatherings of my life, and I have attended many, many international conferences. What deepened and enriched this tribunal was the dignity with which the whole investigation was conducted and the quality of the participants from various countries. But I was particularly moved by the Japanese elders who gave to this tribunal a quality of high seriousness.

I feel that the discussions we have held here are not going to go through the window as we leave but are going to live through our actions, preserving the memory of those who actually died, of those we have been watching and listening to through the witnesses, the poets and all who have expressed an idealism that cannot but transform the Middle East. This idealism can lead those who share it

to participate in a common movement to dismantle the structure that deceives and misleads people, the structure that is capable of pursuing in their name the very fascist ideas it claims to have run away from, the very Nazi ideas it claims to hate.

I would like to make an appeal so that when we have left this conference, no Palestinian can look at the empty room and wonder, "What was the meaning of it all? Was it only to bring people together to talk, to make speeches, and show off their oratorical abilities?" I propose that we establish a fund for the victims of the war and massacres in order to send material assistance to the Palestinians and to others who also need to be defended—for example, those Jewish people who, because of the ideals they share with the Palestinians, are also victims. I would suggest strongly that this be done through the Palestine Liberation Organization. I think such assistance would concretize our intentions at a basic level. It would involve people at a level not merely of words. Words are necessary, but there is a physical point at which those who have gone through the struggles can appreciate the concrete best. I would suggest further that we raise funds to provide as much medical aid to the victims as possible. It is very easy for us to observe politicians who travel from one area to another working for support and solidarity, but they cannot afford to show their wounds. Beneath the political activities of the Palestinian leaders, however, is a stark human tragedy to which we must address ourselves. I would add that some kind of investigation into the needs of the Palestinian people, the children of Palestine, should be conducted and a memorial fund for the victims of this tragedy set up.

Finally, I want to pay special tribute to those Jewish people who have identified themselves with the Palestinian cause. In South Africa, the majority of those who identify with this cause are Jewish, and I salute them: Their participation has introduced a new dimension to the Palestinian support movement. I hope that this kind of identification will grow, and that as it grows, it will be possible to find new lines of exchange and dialogue. I believe that with all the ideals and words that have characterized these deliberations, we have moved beyond where we were before the tribunal began.

Louis MARTON (France)
Advisor to the Jury
Publisher of *Israel & Palestine*

We have heard a lot about the special merits of the Jews and Israelis who came here to assist the jury in its work. Although I came here as a Jew, I do not see any merit in it. Of course, I represent only myself. I hold no mandate from any specific organization, and I do not even know if I really belong to a Jewish people because I do not know whether Jews are a people, but they certainly exist, and they are a little more than just a religion. If I don't hold a mandate from any specific organization, I do hold another mandate from a long line of prophets, writers, and intellectuals, from Amos who said some 2,500 years ago that God does not require sacrifice, he requires justice. I hold a mandate from Moses Maimonides, Baruch de Spinoza, Karl Marx, Sigmund Freud, Martin Buber, Nahum Goldman, and my mother and father who were killed in Auschwitz. And if I think of all these, I would say that for the Jew to fight against injustice and, first of all, against injustice committed by other Jews, is no merit but a duty, and that those who do not fight against injustice are cutting themselves off from the real tradition of the Jewish people. If there is a single message I can give to all those who are participating and listening to us, it is that the state of Israel and devout Jews are not represented by Ariel Sharon and Menachem Begin. The real spirit of Judaism is represented by those who proclaim their solidarity with the victims, by those who proclaim their solidarity with the Palestinian people, and who, by doing this, are working for the future of Israel.

HIRAYAMA Shoji (Japan)
Pastor of Tokyo Yamate Church

This is the second people's tribunal in which I have participated. The first was the Tokyo Tribunal, which judged U.S. war crimes in Vietnam. The IPTIL has again made me feel keenly the need to organize this kind of forum where people of conscience can gather to denounce criminal acts. The voices raised here represent the informed conscience of Japan and the world. I hope that, together, they will generate the momentum necessary to prevent evils like the Israeli invasion from happening again.

In his testimony, one witness noted that since 1948, wherever Israeli forces have passed, massacres have followed, but these have never been given significant press coverage. This comment reminded me of an uninhabited town I came across north of the Golan Heights 11 years ago. Such a massacre might have happened there. Every time I spotted the body of a child among the corpses in the photos shown to the jury, I was reminded of my one-year-old grandchild, and tears streamed down my face. Many elderly people were also among the victims. These atrocities are unforgivable.

This morning during the jurors' session, I sat next to a Korean participant. I thought of similar atrocities Japanese have commited against Koreans in the past. I know something about the crimes perpetrated by Japan in Korea during its occupation of that country [1910–1945]. These crimes deprived the Korean people of their right of self-determination. At Yamate Church in Tokyo, we held an exhibition on the Ishii bacteriological unit that tortured and experimented on the Chinese people during the second world war. When judging Israel—and the United States, which supported the Israeli invasion—I cannot forget the past actions of my own country.

As Yoshitake Teruko has reminded us, we are all guilty to some extent of complicity in these crimes. As a Christian, I must look to my own thoughts and actions and ask God for forgiveness. The Israeli invasion was not merely a violation of international law; it was also a sin against God. The perpetrators of the Sabra and Shatila massacres were Christan rightists who allowed their religion to become a pawn of the forces of evil. In Japan, too, religion is being used for wrong purposes. The state maintenance of Yasukuni Shrine, the memorial to Japan's war dead, is one example. We must be firm in our opposition to all attempts to create a consensus for war.

A few years ago, in Cambodia, I was shown the bones of 5,000 people piled in a heap. In front was a skeleton whose hands were bound. Kneeling baside this mountain of bones, I prayed as tears ran down my face. I realized then that we had to work harder to insure that human dignity is respected. When we violate another people's right to self-determination, we are violating their dignity as human beings. In the spirit of the IPTIL judgment, let us be doubly alert for crimes against peace and humanity in every country.

BAE Dong Ho (Korean residing in Japan) Chairman of the Union of Overseas Koreans for Democracy and Unification

I have learned two things from this tribunal. Through testimonies and films, I have seen genocide, the annihilation of human beings and human dignity. At the same time, I have discovered the beauty of the human conscience. As Reverend Hirayama pointed out, the Palestinians have met the same fate as the Korean people earlier in this century. The Palestinians have been forcibly evicted from their beloved homeland. Unjustly classified as absentee landowners, they have been deprived of 60 percent of their land. When Korea was annexed and invaded by Japan, our people were forced to flee from their lands, most of which were confiscated by the Japanese under the pretext of a national land survey. They sought refuge in Manchuria, Siberia, Japan, and the United States.

It is easy for Koreans to imagine the ethnic prejudice and oppression the Palestinians have suffered in the course of their exile. They are repeating our own bitter history. This was brought home to me by the reports of the Beirut massacre by two courageous photographers. Their testimony reminded me of Kwangju, where in May 1980, Korean soldiers slaughtered their own people. The degree of tragedy is equal.

At the press conference held at the end of the tribunal, a Palestinian mother, Raymonda Tawil, and a Jewish mother, Felicia Langer, spoke of their efforts to fight for the happiness of both peoples. I thought of the mother of Chun Tae Il, who burned herself to death to protest the violation of workers' right in Korea. Today, the mothers of many workers are being arrested and imprisoned, released and then arrested again. Several times during the IPTIL, what I heard made me want to leave the jurors' box and stand before the tribunal as a witness.

The struggle of the Palestinian people to win their sovereignty and build a Palestinian state is identical to the struggle of the Korean people to end the current puppet regime [in the south], achieve self-government, and recover their national dignity. The Kwangju tragedy finally forced Koreans to realize that the United States is ultimately responsible for the painful situation in which they find themselves today. In March 1982, a young woman and man, aged 19 and 22, set fire to the American Cultural Center in Pusan. They told the court proudly that they had planned their action in order to

defend the national dignity of all Koreans and express their people's anger at the U.S. role in Kwangju. Both denounced the United States for interfering with the democratization and reunification of Korea. I was deeply moved to learn that young Palestinian men and women are also fighting for national independence.

A Syrian poet, saying he had no direct evidence to present, testified instead to the massacre of human dignity and the human conscience. The IPTIL was organized to defend human dignity and national pride and uphold the right to life. The jurors worked through the night, deliberating the evidence presented to them from every angle to arrive at a judgment of the Israeli invasion of Lebanon, on the basis of which they issued an appeal. Fighting for their survival as a people, the Palestinians have accepted our judgment with understanding and generosity. This makes me all the more convinced that their day of victory is not far off.

The tribunal's verdict is very clear about the real author of the Palestinian tragedy. The same power is obstructing the reunification of the Korean people. It is intervening in Central America to obstruct the struggles for national independence and liberation being waged there. The peoples of the world must stand together in solidarity against the policy of oppression implemented everywhere by the U.S. government. There is no other choice.

MORIKAWA Kinju (Japan)
Lawyer
President of the Association of Democratic Lawyers

Sixteen years ago, I took part, with Mr. Dellinger, in the Russell Tribunal organized at the suggestion of Bertrand Russell to pass judgment on war crimes committed by the United States in Vietnam. I also participated in the Tokyo Tribunal together with Reverend Hirayama.

Two points characterize this tribunal: its emphasis on the national right of self-determination and its unambiguous condemnation of Israeli–U.S. complicity. Although it has been a painful task for me to denounce the U.S. government for a third time while maintaining such close ties with the American people, the truth must be exposed. The criterion for our judgment is respect for human life and dignity. The people will not tolerate the politics of a government that shows no respect for human beings. At the Russell Tribunal, we

addressed an appeal of conscience to the world, but nothing seemed to stop the U.S. government and military. Yet in the end, justice, the dictates of conscience, and a concern for human rights prevailed. For the first time in its history, the United States was defeated by worldwide popular opposition.

During the Israeli invasion of Lebanon, the world's most technologically sophisticated weaponry, made in the United States, was employed in great quantities against Palestinian civilians —women, the aged, children—in utter disregard for international law. Are the American people aware of this? The personal gain of a handful of U.S. arms magnates is exposing their country to world criticism and condemnation. Do Americans realize this? The UN General Assembly has expressed its deep regret that between June and August 1982, the United States repeatedly vetoed UN Security Council resolutions proposed by Spain, France, and the USSR demanding a ceasefire and the withdrawal of Israeli troops from Lebanon. A UN General Assembly resolution condemned the invasion as genocide. Do the American people know this? I myself have learned the full details of the invasion for the first time at this tribunal. I hope the tribunal will serve as a call of conscience to American and Israeli citizens.

Finally, I want to note that because of her participation as a witness at this tribunal, Ms. Felicia Langer, the Israeli lawyer working to defend Palestinians in the Occupied Territories and Israeli antiwar protesters, may be deprived of her right to practice law by the Israeli Bar Association. I want to remind everyone that conscientious lawyers like Ms. Langer should not be deprived of their rights or prevented from carrying on their struggle within Israel. The Israeli government should be denounced in the strongest possible terms for this kind of intimidation.

Eduardo del RIO (Mexico)
Political Cartoonist

I am a cartoonist. I pretend to be a humorist. My ancestors came from Spain to Mexico three centuries ago to escape the Spanish Inquisition, because they were Jews of Sephardic origin. I speak very bad English, so I couldn't understand until just now why my friends in the secretariat asked me to serve on the jury. I speak very bad English mainly because I hate to speak English, not because English

is the language of Shakespeare, but because for us Mexicans, as for Cubans, Nicaraguans, and all Latin Americans, English is the language of Mr. Reagan, who supports massacres in Latin America and the massacre of Palestinians in Lebanon.

But while being forced to speak in English at this tribunal, I discovered a very interesting relation between the English language and the Palestinian question. One of the words used most frequently here is "right"—human rights, the right of self-determination, people's rights, etc. Right means reason and justice. When we say in English, "You are right," we mean that you have reason and justice on your side. And when we say, "All right," we mean that all goes well. Even when the present situation of the Palestinian people is so tragic and seems so dark, I can say from the depths of my heart that I am optimistic about the future of their fight. Palestinian sisters and brothers, I know, as all my friends know, that sooner or later you will be all right, because reason and justice are with you, because you are right. So go right on: All the peoples of the world, including the American and Israeli people, stand with you in the defense of your rights.

OIKAWA Kazuo (Japan)
Vice President, General Council of Trade Unions of Japan (SOHYO)

The memory of Japan's wartime experience is eroding at an alarming rate among today's workers. The crime of war and war's ability to twist and destroy human beings mean very little to them now; for most workers, war is something their fathers or grandfathers experienced a long time ago. Profiting from the ignorance of war, the government is able to manipulate talk of peace, self-defense, and national security to make it appear as if its policies of rearmament and military expansion had popular support. Given these circumstances, I feel that young Japanese workers should have listened to the past four days of testimony and to the debates in the jurors' meetings. I wonder how many workers actually attended the proceedings—very few, I imagine. The fault is SOHYO's for not having insisted on a stronger worker presence at the tribunal.

INOUE Kiyoshi (Japan)
Historian, Professor Emeritus of Kyoto University

One question has occurred repeatedly to me throughout the tribunal: How can we Japanese fully recover the right to judge the war crimes of other nations and peoples? Since 1894, for well over half a century, we have been unable to stem the tide of Japanese militarism and imperialism or prevent the wars of aggression that resulted. Since the unconditional surrender of 1945, no complete, accurate judgment of these acts has ever been rendered. The atrocities committed by the Japanese military throughout Asia—in Korea, China, Singapore, the Philippines—are as terrible if not worse than those perpetrated by the Israeli invaders of Lebanon. Palestinians living under Israeli occupation are suffering the same kind of treatment endured by the Korean people under Japanese imperialist rule. Yet however oppressive, the Israeli rulers have not forced the Palestinians to take Jewish names; the Japanese imperialists did not hesitate to impose Japanese names on their Korean subjects.

At the International Military Tribunal for the Far East, the Allied Forces sought to demonstrate the responsibility of only a fraction of Japan's military leaders for war crimes while protecting the supreme figure in the military and political commands, the emperor. Whereas the German people made a serious effort to try the crimes of Nazism, we did not. Our failure to bring Japanese war crimes to trial has preserved the political, ideological, and psychological roots of militarism in postwar Japan. Under the new international political order, these roots are producing a different type of militarism, one subject to American imperialism. But this militarism is again threatening peace in Asia and the world.

For example, today [March 21], the U.S. nuclear aircraft carrier *Enterprise* entered the port of Sasebo, which faces the Korean peninsula. Workers, students, citizens' groups, and other progressive forces are fiercely protesting this call. The world's largest aircraft carrier has come to Japan to participate in a series of large-scale joint maneuvers, named Team Spirit 83 with the South Korean forces. The aim of the annual exercise is to prepare for an invasion of North Korea and war against the Soviet Union. By permitting the entry of the *Enterprise*, Japan has become an unofficial participant in these war games and a part of this strategy. American's global military strategy seeks to destroy the Arab and Palestinian cause and assure maximum freedom of action for itself in the Middle East while

simultaneously reinforcing its military presence and mobility in East Asia. The Team Spirit maneuvers are obviously an important part of this strategy.

The Japanese government, then, actively participates in implementing U.S. policy. As a participant, Japan in effect acquiesced in the massacres of Palestinians during the invasion of Lebanon. The future of Japan and its people are intimately linked to what goes on in the Middle East. Whether peace and justice prevail or invasions and injustices continue are questions that concern us directly. The Israeli invasion is not just another "incident" occurring in a distant land. Our first step in support of Palestine must be to oppose the alliance of U.S. imperialism and Japanese militarism by all possible means.

Warin WONGHANCHAO (Thailand)
Professor of Economics, Chulalongkorn University

The Israeli invasion and attendant crimes against humanity must be condemned by all throughout the world who strive for peace. Besides exposing the terrible, inhumane weapons used in the Israeli invasion of Lebanon, the International People's Tribunal also bore eloquent witness to the dehumanization of the individual that inevitably accompanies all such massacres. During the tribunal we were shown the photograph of a young Israeli soldier standing on a Beirut street corner who had just told the photographer that his method for overcoming the fear he felt was to think of the people around him as the equivalent of animals. It is of the utmost significance that the IPTIL strove not merely to ascertain and judge the facts but also to identify positive and meaningful avenues for solidarity with all the victims of man's inhumanity to man. We heard side by side expressions by both Jewish and Arab citizens of Israel, by Palestinians living in the Occupied Territories, and by Palestinians living in exile of their will to live peacefully together. We cannot but support this dialogue and urge everyone who opposes the slaughter to do the same.

Unfortunately, little information has been publicized in Thailand about the invasion and slaughter in Lebanon. The Thai people have witnessed and themselves been the victims of atrocities committed in this part of the world, often with the direct involvement or support of the United States and other Western powers. The peoples of Southeast Asia have experienced one frightful atrocity after another,

in one country after another, throughout the post-World War II period; as yet, there is no end in sight to the suffering of the peoples in our region. Sometimes commentators and journalists from the West and elsewhere make light of these experiences (and some have used them to make their own dubious political capital in countries far away) without ever hearing or attempting to understand the agony and bitterness that lies deep in the hearts of the Southeast Asian victims of continuing oppression, invasions, and massacres.

It is, therefore, all the more urgent that the true details of the atrocious crimes being committed in Lebanon be made public and widely disseminated among the Thai people, so that they and the other peoples of Southeast Asia can form their own judgment and develop positive and meaningful solidarity with the peoples of Palestine and Lebanon in a principled and mutually supportive way. With this end in mind, I personally welcome and have high expectations of the forthcoming opening of a PLO office in Bangkok. Furthermore, I, personally wish to urge all IPTIL participants to make even greater efforts in their respective countries to translate the principled declarations and statements of the people's tribunal into concrete forms of solidarity with both the Palestinian and Lebanese peoples and into concrete support for those citizens of Israel—both Jewish and Arab—who have seen through the false propaganda of their own government and oppose the inhumane crimes being perpetrated by the Israeli state.

OKAMOTO Yoshihiko (Japan)
Film Director

I am an independent film-maker used to cutting budgets and editing finished films; I hope to make my comment as brief as Mr. Oikawa's. On February 28, 1919, in the very [YMCA] hall where you are seated, Korean residents in Japan read a declaration of independence from Japanese rule. On March 1st, the next day, demonstrations were held throughout Korea demanding national independence. The countermeasures taken by the Japanese authorities are well known: Decapitated heads and hanging bodies were seen everywhere. As we hold this tribunal here today, the U.S. nuclear aircraft carrier *Enterprise* is calling at the port of Nagasaki, the second city to be destroyed by a nuclear bomb in 1945. I will remember this very symbolic day forever.

Yesterday in the jurors' meeting I proposed that a reference to the massacres in Korea and Vietnam be included in the judgment as Asian issues of concern. For example, 300 kilograms of bombs per square meter were dropped during the Korean War, leaving the Korean Democratic People's Republic in ruins and its people in misery. Here, through films and slides presented as evidence to the tribunal, I have seen these atrocities repeated. In another part of Asia, in Vietnam this time, [the toxic defoliant] Agent Orange was widely used [by U.S. forces] and is now affecting human fetuses; many Vietnamese babies are being born with serious deformations. We know who is responsible for these crimes. I am a moderate and usually participate in moderate movements, but the Palestinian struggle requires a more serious commitment. Many of those who have come from abroad to testify here actually find their lives in danger. I pray for their safety and the success of their struggle.

KOHRA Rumiko (Japan)
Poet
Member of the Japan Afro-Asian Writers' Association

I am not fond of giving public speeches, nor am I an eloquent speaker. But I would like to make some comments as one of the few women on the jury to have followed most of the proceedings. First of all, I thank those witnesses who have come from distant lands to testify before the tribunal. I started reading Arabic poetry after participating in the Asian-African Writers' Conference held in New Delhi in 1970. That experience lead me to discover a number of Arabic and African poets, including the Palestinian Mahmud Darwish and Mazisi Kunene of South Africa, who is with us today. I have introduced these works in the collection *Asian and African Poetry*, which will be published soon. These work are imbued with a fundamental value: the coexistence of peoples of diverse cultural backgrounds. Traditionally, the Arabs and Jews coexisted peacefully. The climate of genocide that now prevails in these lands is completely alien to the real tradition.

Listening to the testimonies and watching films of burned and wounded people, I was reminded of Hiroshima and the fire-bombings of Tokyo I lived through as a girl of 13. The bombardment of civilian targets is a form of genocide and violates international law. But at the same time, the bombings were carried out in retaliation for acts of

genocide committed by the Japanese military in China and other Asian countries. According to Mr. Noma, the district where this building, the YMCA, now stands was once full of the charred bodies of women, children, and old people who did not go to war. It takes time for us to grasp the true meaning of our own experience. For my part, I see a clear connection between the bombings of Hiroshima, Nagasaki, and Tokyo on the one hand and the problems of Palestine and Lebanon on the other. The IPTIL has confirmed my feelings: We are living in a century of genocide.

As a supporter of the women's liberation movement, I feel strongly that nuclear arms and genocide are the products of the dangerous, self-destructive form of progress avidly pursued by some countries based on racism and sexual discrimination. What kind of a world will we leave to our children? A world infested with nuclear arms, genocide, sexism, and racism, or a world based on the peaceful coexistence of equals—an ideal that was once practiced by the peoples of Asia and Africa? Finally, I would like to thank the volunteers, many of them women, who have worked so hard to organize this tribunal.

NOMA Hiroshi (Japan)
Writer

In 1974, we met with Mr. Darwish and Mr. Adonis, poets of Palestine and Lebanon, both of whom had come for the Japan-Arab Cultural Solidarity Conference organized by the Japan Afro-Asian Writers Association [of which Noma was then chairperson]. Today we have with us a distinguished Syrian poet, Mr. Adwan. To my disappointment, Mr. Darwish, who had been planning to testify at the tribunal, was unable to attend. The last time he came to this country, he was greeted warmly by the audiences who attended poetry readings held in Tokyo, Osaka, and Fukuoka. His poem, "Palestinian Lovers," won much acclaim in Japan. I can read English and French but not Arabic. However, with the help of Mr. Itagaki and others, we translated the Arabic poems into Japanese and were able to edit the first collection of Arabic writers and poets. Mr. Shiboh also played an active role in organizing the conference. One of the poets included in the anthology is Ghassan Kanafani, Palestinian activist, poet, novelist, and literary critic, whose constructive criticism of Darwish's poetry set Palestinian literature on a new course. He was subsequently killed by an Israeli bomb.

The noble spirit possessed by the poets of Lebanon and Palestine can be felt in the words of Ms. Tawil, a Palestinian journalist who testified at this tribunal. It was an emotional experience to discover the same proud spirit in the testimony of Ms. Felicia Langer! Until now, I was unaware of the existence of a peace movement within Israel. I was also glad to meet activists from around the world at the tribunal: poets from the Soviet Union and the Arab countries; Mr. Rui Mu, Chinese jurist; an anti-nuclear activist, Mr. Roman Bedor, from the Republic of Belau, which is fighting against the Japanese dumping of nuclear waste in the South Pacific; Mr. Garg of India, an admirer of Tagore, whose works I am currently translating. The support of all these people has made the new concept of a people's tribunal a reality here in Japan, and I welcome its "judgment," a word which the IPTIL has given a completely new dimension.

KASHIWAGI Hiroshi (Japan)
Former President of the Japan Federation of Bar Associations

Humankind has always struggled to create a society where all men and women can live a life of dignity. But we still have a long way to go. The human rights violations of today are committed by individuals of supreme power assisted by top bureaucrats and high-ranking military officials. In the sole interest of the state or the private corporation, they defy the popular effort to establish universal principles of humanity. They try to obscure the identity of the true aggressor through press censorship. By ignoring human rights and social justice, which transcend national and ethnic boundaries, these people are leading humanity down the path to destruction. The Israeli invasion of Lebanon is one such indication. The nature of the invasion has been clarified today by the International People's Tribunal, where witnesses have testified about their personal experiences, documenting the unforgivable violations of human rights being committed by Israel. As a member of the jury, I had to fight back tears of anger many times. The jury has been able to deliver an unanimous judgment, addressed with confidence to people the world over, concerning the violation of fundamental human rights, including the right of national self-determination. I hope this judgment will become a milestone on the way to preventing further destruction and human rights violations. To fulfill this aim,

the judgment must penetrate the thick curtain of press censorship imposed by the Establishment and reach the people of the world, opening the way for them to carry out further positive actions according to their own judgment. With faith in the wisdom of the people, I await the response.

R. K. GARG (India)
Senior Advocate of the Supreme Court of India

This has been an unforgettable experience. The tribunal has not covered up the truth about the destruction of justice. The truth about the violation of people's rights, the truth about every norm of international law being flagrantly breached and thrown to the winds by a state, can be found in the judgment. We are dealing with an international outlaw, sustained in every act with dollars paid by the almighty United States. We all agree about who the accomplices are in this conspiracy to destroy the rule of law. I have tried with my colleagues, who are most wise, most conscientious, and honest in the extreme, to find the guilt where it lay.

This judgment raises many questions: Who gave money? Who gave arms? For what ends? With what consequences for whom? I cannot have done my duty if I do not raise these questions for myself and for the millions of people in India. These were not the occasional lapses into insanity of a few people. These were deliberate acts, well-planned, well-organized designs for aggression, expansion, and the annihilation of the Palestinians, for striking terror into the hearts of the Arabs. For whose benefit? For the benefit of those who got the money, US $3 billion a year; for the benefit of those who got the world's most advanced weapons of destruction. For what purpose? To repeat what was done at Hiroshima. I wish I could ignore the apprehension expressed by the mayor of Nazareth, but I cannot rule out the possibility that Israel will use the atomic bomb tomorrow.

These crimes cannot be dealt with unless we see what they have in common with what happened in Vietnam yesterday and what is happening in South Africa, in Namibia, and in El Salvador today. When Yasir Arafat visited Delhi, I said to him, "Your revolution is one with the Asian revolution, the Latin American revolution, and the African revolution. Revolutions know no frontiers, as truth knows no frontiers." My colleagues on the jury have been very, very

opinion. I hope that you, with the wisdom of Buddha and with the technology you perfected, will answer the questions it raises so that the will of the people is able to match that of the tyrant. Mere appeals will not do.

IE Masaharu (Japan)
Professor of International Law,
Kobe City University of Foreign Studies

There are three big differences between traditional and contemporary international law. First, traditional international law was based on might. Before World War I, nations claimed the right to wage war upon other nations. After the war, this right was gradually curtailed. Today, the UN Charter forbids the use of military force to invade another nation's sovereign territory. Second, in contrast to traditional law, which condoned the colonization of other nations, contemporary international law recognizes the right of national self-determination. Present international law is definitely anti-colonialist in character and goes so far as to recognize the right of armed rebellion for peoples subject to colonial or foreign rule. A third important point is the profound concern of contemporary international law with human rights, in accord with the Universal Declaration of Human Rights and the International Covenants on Human Rights, both formulated after World War II. This emphasis was non-existent in prewar law.

International law has undergone a considerable transformation. The judgment reached by the jury today coincides, in my view, with these fundamental principles of contemporary international law. Its message should be conveyed to people throughout the world in order to mobilize international public opinion on this issue.

Ahmad MATATLA (Algeria)
Advisor to the Jury
Professor at Algiers University
Chairman of the Law Committee of the Algerian Parliament

What we have witnessed in the films and heard from witnesses is something too disgusting to be described. I would like to express my sorrow to all the victims of this brutal war, to our brothers and sisters, the Lebanese and Palestinian people.

We have seen two phases, the first, that of the war, which has completely destroyed cities, villages, even the trees, and the other, that of the ceasefire, the massacres of Sabra and Shatila. This is a war launched for barbaric motives, for the sake of war, killing, destruction. The massacres of Sabra and Shatila remind me of what happened to the people of Nagasaki and Hiroshima and how they were killed by the same hands that have now committed the crimes of Sabra and Shatila. Hiroshima was not the end of the story. Massacres have been repeated in Palestine since 1948. They are being repeated in Lebanon and in many other places in the world. I hope that the foundations that we have laid at this tribunal will help to build a new era in which all of us can compel the opponents of humanity—those who do not respect the dignity of mankind, who deny the right of peoples to independence and self-determination—to abide by a human code of conduct.

I hope that our tribunal will continue to spread the message so that new massacres can be prevented. And I hope that our appeal to the world will be followed up by efforts to give more backing and solidarity to the Palestinian people so that they may achieve their ambition of self-determination and statehood. Lastly, I appeal to all scientists involved in inventing the arms of death and destruction to ask themselves, "Are we human beings? Do we want these arms to be used against us?" I am sure their answer will be no. We ask them to stop inventing these weapons.

Oljas SULEIMENOV (U.S.S.R.)
Poet
First Secretary of the Film Union of the Kazakstan Republic

These four days have been memorable. Jury members, including myself, have listened to the witnesses with lumps in our throats. It is symbolic that this tribunal has been held in Japan, for the Japanese people have also been victims of a holocaust. Seeing the photographic reports on Sabra and Shatila, the atrocities of Hiroshima and Nagasaki flashed through my mind. The whole world has condemned the criminal activities of the United States in Vietnam and of the Pol Pot regime in Kampuchea, yet similar crimes against humanity are still being committed on this earth. Israel has now become the weapon of U.S. imperialism in the Middle East, and this weapon has been used, killing people with no thought to the morality of peace.

Limited warfare can grow into world war. We are raising our voices against the Israeli invasion of Lebanon in order to prevent a world holocaust. Our struggle must be fought with words, in the firm belief that every single person on this planet will listen and agree with our judgment condemning the crimes of U.S.–Israeli imperialism.

RUI Mu (People's Republic of China)
Professor of Law at Beijing University

Over the past few days, people from around the world have gathered in Tokyo to take part in this solemn tribunal. As a member of the jury, I congratulate the initiators and organizers of the IPTIL on their success in finding, as others around the world are also finding, this new way of rendering international justice, that is by passing judgment on crimes that have shocked the world, crimes whose perpetrators we all want so much to condemn according to the principles of humanitarianism and international law.

The Palestinian question stands at the core of the Middle East problem. Among the crimes committed by Israel in its invasion of Lebanon, now fully documented by this tribunal and confirmed by the reports of various international commissions, are crimes of aggression, war crimes, crimes against humanity, and crimes of genocide, including the crime of trying to annihilate the Palestinians as a nation and as a people in the Middle East. And in all these crimes, the United States is the chief instigator and supporter; therefore it cannot escape sharing responsibility. But of all these crimes, Israel's negation of Palestine's right to self-determination, national independence, and sovereignty has, to my mind, the most direct bearing on the restoration and maintenance of peace and security in the Middle East.

It is my opinion that in order to secure an early and reasonable solution to the Middle East problem, it is necessary, first, that Israel withdraw its troops from the Arab lands it has occupied since 1967, give up the policy of expansionism it has practiced for 35 years, and stop extending settlements into neighboring countries. Second, it is necessary to restore the national rights of the Palestinian people, including the right of self-determination, so that Palestinians can return to their homes and establish themselves in accordance with the nation-state status granted them by the UN resolution. Third, it is necessary to recognize the Palestine Liberation Organization as the

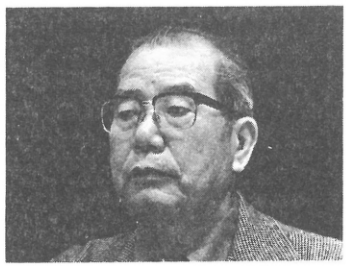
sole legal representative of the Palestinian people and to allow it to participate, as a matter of course, in all work pertaining to the settlement of the Middle East question. Fourth, all countries in the Middle East should have the right to peace and coexistence. Fifth, Israel should pay full reparations for the misdeeds it has committed so far.

In all this, I fully agree with IPTIL's appeal to international public opinion to exert greater pressure on Israel to stop its criminal acts and to all peace and justice-loving countries and peoples to take effective measures to support the Arab and Palestinian peoples in their struggle for national rights. We are fully confident that the Palestinian people, who have persevered in their long, hard struggle, will overcome all obstacles and succeed in attaining their national goal by further strengthening unity among themselves and by cooperating with the Arab countries, the third world, and all justice-loving countries and peoples in the world, including the people of Israel.

Gordon MCINTOSH (Australia)
Senator

You've asked me to do an impossible thing: close this tribunal. Officially we can close the tribunal, but we can never close what you have started here. The message from the Palestinian people and the Israelis who have been oppressed is very simple. All they have asked of you is to show that you care. You have a voice, you can have a collective voice, not only to express your indignation and disgust but to show that you really care about what is happening to humanity. That voice can be loud and effective enough to move nations. It did so in Vietnam, and it can do so again. Before I close the tribunal, I appeal to you once more: When you return to your country, start that movement to show that you really care.

Utsunomiya Tokuma



Inoue Kiyoshi

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Itoh Narihiko

Hirayama Shoji

Kashiwagi Hiroshi

Ie Masaharu

Kohra Rumiko

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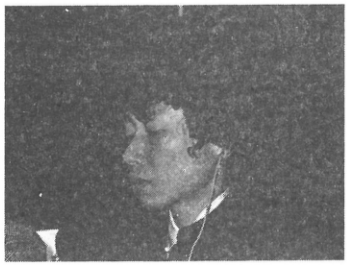

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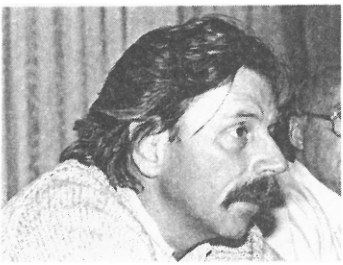

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Noma Hiroshi

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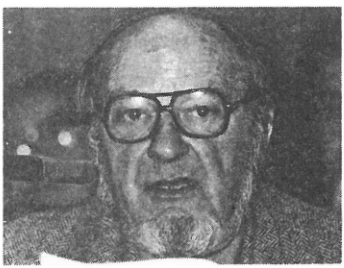
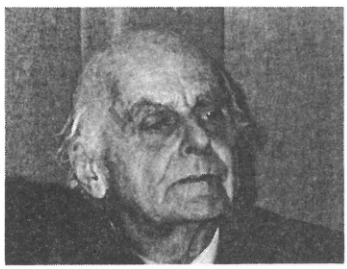
Mazisi Kunene

Roman Bedor

Gordon McIntosh



David Dellinger



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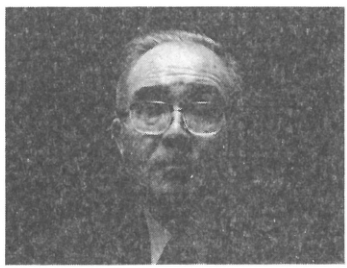

Hayashi Takeshi

Sunami Shunsuke

LEGAL REFERENCES

A) Resolutions Adopted by the General Assembly of the United Nations

1. Resolution 3314 (XXIX). Definition of Aggression

2319th plenary meeting
14 December 1974

The General Assembly,

Having considered the report of the Special Committee on the Question of Defining Aggression, established pursuant to its resolution 2330 (XXII) of 18 December 1967, covering the work of its seventh session held from 11 March to 12 April 1974, including the draft Definition of Aggression adopted by the Special Committee by consensus and recommended for adoption by the General Assembly,

Deeply convinced that the adoption of the Definition of Aggression would contribute to the strengthening of international peace and security,

1. *Approves* the Definition of Aggression, the text of which is annexed to the present resolution;

2. *Expresses its appreciation* to the Special Committee on the Question of Defining Aggression for its work which resulted in the elaboration of the Definition of Aggression;

3. *Calls upon* all States to refrain from all acts of aggression and other uses of force contrary to the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations;

4. *Calls the attention* of the Security Council to the Definition of Aggression, as set out below, and recommends that it should, as appropriate, take account of that Definition as guidance in determining, in accordance with the Charter, the existence of an act of aggression.

ANNEX (the text of Definition of Aggression)

The General Assembly,

Basing itself on the fact that one of the fundamental purposes of the United Nations is to maintain international peace and security and to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace,

Recalling that the Security Council, in accordance with Article 39 of the Charter of the United Nations, shall determine the existence of any threat to the peace, breach of the peace or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security,

Recalling also the duty of States under the Charter to settle their international disputes by peaceful means in order not to endanger international peace, security and justice,

Bearing in mind that nothing in this Definition shall be interpreted as in any way affecting the scope of the provisions of the Charter with respect to the functions and powers of the organs of the United Nations,

Considering also that, since aggression is the most serious and dangerous form of the illegal use of force, being fraught, in the conditions created by the existence of all types of weapons of mass destruction, with the possible threat of a world conflict and all its catastrophic consequences, aggression should be defined at the present stage,

Reaffirming the duty of States not to use armed force to deprive peoples of their right to self-determination, freedom and independence, or to disrupt territorial integrity,

Reaffirming also that the territory of a State shall not be violated by being the object, even temporarily, of military occupation or of other measures of force taken by another State in contravention of the Charter, and that it shall not be the object of acquisition by another State resulting from such measures or the threat thereof,

Reaffirming also the provisions of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Convinced that the adoption of a definition of aggression ought to have the effect of deterring a potential aggressor, would simplify the determination of acts of aggression and the implementation of measures to suppress them and would also facilitate the protection of the rights and lawful interests of, and the rendering of assistance to, the victim,

Believing that, although the question whether an act of aggression has been committed must be considered in the light of all the circumstances of each particular case, it is nevertheless desirable to formulate basic principles as guidance for such determination,

Adopts the following Definition of Aggression:

Article 1

Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition.

Explanatory Note: In this Definition the term "State"

(a) Is used without prejudice to questions of recognition or to whether a State is a Member of the United Nations, and

(b) Includes the concept of a "group of States" where appropriate.

Article 2

The first use of armed force by a State in contravention of the Charter shall constitute prima facie evidence of an act of aggression although the Security Council may, in conformity with the Charter, conclude that a determination that an act of aggression has been committed would not be justified in the light of other relevant circumstances including the fact that the acts concerned or their consequences are not of sufficient gravity.

Article 3

Any of the following acts, regardless of a declaration of war, shall, subject to and in accordance with the provisions of article 2, qualify as an act of aggression:

(a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;

(b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;

(c) The blockade of the ports or coasts of a State by the armed forces of another State;

(d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;

(e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;

(f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;

(g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.

Article 4

The acts enumerated above are not exhaustive and the Security Council may determine that other acts constitute aggression under the provisions of the Charter.

Article 5

1. No consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression.

2. A war of aggression is a crime against international peace. Aggression gives rise to international responsibility.

3. No territorial acquisition or special advantage resulting from aggression are or shall be recognized as lawful.

Article 6

Nothing in this Definition shall be construed as in any way enlarging or diminishing the scope of the Charter including its provisions concerning cases in which the use of force is lawful.

Article 7

Nothing in this Definition, and in particular article 3, could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter of peoples forcibly deprived of that right and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racist regimes or other forms of alien domination; nor the right of these peoples to struggle to that end and to seek and receive support, in accordance with the principles of the Charter and in conformity with the above-mentioned Declaration.

Article 8

In their interpretation and application the above provisions are interrelated and each provision should be construed in the context of the other provisions.

2. Resolution 36/226. The situation in the Middle East

103rd plenary meeting
17 December 1981

(A)

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Taking note of the report of the Secretary-General of 11 November 1981,

Welcoming the world-wide support extended to the just cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggression and occupation in order to achieve a comprehensive, just and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly relating to the question of Palestine and the situation in the Middle East,

Gravely concerned that the Arab and Palestinian territories occupied since 1967, including Jerusalem, still remain under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to all the occupied Palestinian and other Arab territories, including Jerusalem,

Reiterating all relevant United Nations resolutions which emphasize that the acquisition of territory by force is inadmissible under the Charter of the United Nations and the principles of international law and that Israel must withdraw unconditionally from all the occupied Palestinian and other Arab territories, including Jerusalem,

Reaffirming further the imperative necessity of establishing a comprehensive, just and lasting peace in the region, based on full respect for the Charter and the principles of international law,

Gravely concerned also at recent Israeli actions involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security,

1. *Condemns* Israel's continued occupation of the Palestinian and other Arab territories, including Jerusalem, in violation of the Charter of the United Nations, the

principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all these occupied territories;

2. *Reaffirms* its conviction that the question of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights;

3. *Reaffirms further* that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization as the representative of the Palestinian people;

4. *Declares once more* that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices of the United Nations, which ensures the complete and unconditional withdrawal of Israel from the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and which enables the Palestinian people, under the leadership of the Palestine Liberation Organization, to exercise its inalienable rights, including the right to return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relevant to the question of Palestine, in particular General Assembly resolutions ES-7/2 of 29 July 1980 and 36/120 A to F of 10 December 1981;

5. *Rejects* all partial agreements and separate treaties in so far as they violate the recognized rights of the Palestinian people and contradict the principles of just and comprehensive solutions to the Middle East problem to ensure the establishment of a just peace in the area;

6. *Deplores* Israel's failure to comply with Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980 and General Assembly resolution 35/207 of 16 December 1980, determines that Israel's decision to annex Jerusalem and to declare it its "capital", as well as the measures to alter its physical character, demographic composition, institutional structure and status, are null and void and demands that they be rescinded immediately, and calls upon all Member States, the specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions, including Assembly resolution 36/120 E;

7. *Condemns* Israel's aggression and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, particularly in the Palestinian refugee camps in Lebanon including the expropriation and annexation of territory, the establishment of settlements, assassination attempts and other terrorist, aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the pertinent international conventions;

8. *Strongly condemns* Israeli annexationist policies and practices in the occupied Syrian Golan Heights, and establishment of settlements, the confiscation of lands, the diversion of water resources, the intensification of repressive measures against the Syrian citizens therein and the forcible imposition of Israeli citizenship on Syrian nationals, and declares all these measures null and void as they constitute violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

9. *Strongly condemns* the Israeli aggression against Lebanon and the continuous bombardment and destruction of its cities and villages, and all acts that constitute a violation of its sovereignty, independence and territorial integrity and the security of its people and prevent the full implementation of Security Council resolution 425 (1978) of 19 March 1978, including the full deployment of the United Nations Interim Force in Lebanon up to the internationally recognized borders;

10. *Calls* for strict respect of the territorial integrity, sovereignty and political independence of Lebanon and supports the efforts of the Government of Lebanon, with regional and internaitonal endorsement, to restore the exclusive authority of the Lebanese State over all of its territory up to the internationally recognized boundaries;

11. *Deplores* Israeli violations of the airspace of various Arab countries and demands their immediate cessation;

12. *Considers* that the agreements on strategic co-operation between the United States of America and Israel signed on 30 November 1981 would encourage Israel to pursue its aggressive and expansionist policies and practices in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, would have adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and would threaten the security of the region;

13. *Calls upon* all States to put an end to the flow to Israel of any military, economic and financial resources that would encourage it to pursue its aggressive policies against the Arab countries and the Palestinian people;

14. *Requests* the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its thirty-seventh session a comprehensive report covering the developments in the Middle East in all their aspects.

(B)

The General Assembly,

Gravely alarmed by Israel's decision of 14 December 1981 to apply Israeli law to the occupied Syrian Arab Golan Heights,

Reaffirming that acquisition of territory by force is inadmissible under the Charter of the United Nations, the principles of international law and relevant United Nations resolutions,

Reaffirming once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Syrian territory,

Recalling its resolutions 35/122 A to F of 11 December 1980,

1. *Declares* that Israel's decision to apply Israeli law to the occupied Syrian Arab Golan Heights is null and void and has no legal validity whatsoever;

2. *Determines* that the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967;

3. *Strongly deplores* the persistence of the Israeli policy of annexation, which escalates tension in the region;

4. *Demands* that Israel, the occupying Power, rescind forthwith its decision and all administrative and other measures relating to it, which constitute a flagrant violation of all relevant principles of international law;

5. *Calls upon* all States, specialized agencies and other international institutions not to recognize that decision;

6. *Requests* the Security Council, in the event of Israel's failure to implement the present resolution, to invoke Chapter VII of the Charter of the United Nations;

7. *Requests* the Secrelary-General to report to the General Assembly and the Security Council on the implementation of the present resolution not later than 21 December 1981.

3. Resolution 2444 (XXIII). Respect for human rights in armed conflicts

1748th plenary meeting
19 December 1968

The General Assembly,

Recognizing the necessity of applying basic humanitarian principles in all armed conflicts,

Taking note of resolution XXIII on human rights in armed conflicts, adopted on 12 May 1968 by the International Conference on Human Rights,

Affirming that the provisions of that resolution need to be implemented effectively as soon as possible,

1. *Affirms* resolution XXVIII of the XXth International Conference of the Red Cross held at Vienna in 1965, which laid down, *inter alia*, the following principles for observance by all governmental and other authorities responsible for action in armed conflicts:

(a) That the right of the parties to a conflict to adopt means of injuring the enemy is not unlimited;

(b) That it is prohibited to launch atttacks against the civilian populations as such;

(c) That distinction must be made at all time between persons taking part in the hostilities and members of the civilian population to the effect that the latter be spared as much as possible;

2. *Invites* the Secretary-General, in consultation with the International Committee of the Red Cross and other appropriate international organizations, to study:

(a) Steps which could be taken to secure the better application of existing humanitarian international conventions and rules in all armed conflicts;

(b) The need for additional humanitarian international conventions or for other appropriate legal instruments to ensure the better protection of civilians, prisoners and combatants in all armed conflicts and the prohibition and limitation of the use of certain methods and means of warfare;

3. *Requests* the Secretary-General to take all other necessary steps to give effect to the provisions of the present resolution and to report to the General Assembly at its twenty-fourth session on the steps he has taken;

4. *Further requests* Member States to extend all possible assistance to the Secretary-General in the preparation of the study requested in paragraph 2 above;

5. *Calls upon* all States which have not yet done so to become parties to the Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925 and the Geneva Conventions of 1949.

4. Resolution 2675 (XXV). Basic principles for the protection of civilian populations in armed conflicts

1922nd plenary meeting
9 December 1970

The General Assembly,

Noting that in the present century the international community has accepted an increased role and new responsibilities for the alleviation of human suffering in any form and in particular during armed conflicts,

Recalling that to this end a series of international instruments has been adopted, including the four Geneva Conventions of 1949,

Recalling further its resolution 2444 (XXIII) of 19 December 1968 on respect for human rights in armed conflicts,

Bearing in mind the need for measures to ensure the better protection of human rights in armed conflicts of all types,

Noting with appreciation the work that is being undertaken in this respect by the International Committee of the Red Cross,

Noting with appreciation the reports of the Secretary-General on respect for human rights in armed conflicts,

Convinced that civilian populations are in special need of increased protection in time of armed conflicts,

Recognizing the importance of the strict application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Affirms the following basic principles for protection of civilian populations in armed conflicts, without prejudice to their future elaboration within the framework of progressive development of the international law of armed conflict:

1. Fundamental human rights, as accepted in international law and laid down in international instruments, continue to apply fully in situations of armed conflict.

2. In the conduct of military operations during armed conflicts, a distinction must be made at all times between persons actively taking part in the hostilities and civilian populations.

3. In the conduct of military operations, every effort should be made to spare civilian populations from the ravages of war, and all necessary precautions should be taken to avoid injury, loss or damage to civilian populations.

4. Civilian populations as such should not be the object of military operations.

5. Dwellings and other installations that are used only by civilian populations should not be the object of military operations.

6. Places or areas designated for the pole protection of civilians, such as hospital zones or similar refuges, should not be the object of military operations.

7. Civilian populations, or individual members thereof, should not be the object of reprisals, forcible transfers or other assaults on their integrity.

8. The provision of international relief to civilian populations is in conformity with the humanitarian principles of the Charter of the United Nations, the Universal Declaration of Human Rights and other international instruments in the field of human rights. The Declaration of Principles for International Humanitarian Relief to the Civilian Population in Disaster Situations, as laid down in resolution XXVI adopted by the twenty-first International Conference of the Red Cross, shall apply in situations of armed conflict, and all parties to a conflict should make every effort to facilitate this application.

5. Resolution 3103 (XXVIII). Basic Principles of the Legal Status of the Combatants Struggling Against Colonial and Alien Domination and Racist Régimes

2197th plenary meeting
12 December 1973

The General Assembly,

Recalling that the Charter of the United Nations reaffirms faith in the dignity and worth of the human person,

Recalling resolution 2444 (XXIII) of 19 December 1968 in which the General Assembly, *inter alia*, recognized the need for applying basic humanitarian principles in all armed conflicts,

Recognizing further the importance of respecting the Hague Convention of 1907, the Geneva Protocol of 1925, the Geneva Conventions of 1949 and other universally recognized norms of modern international law for the protection of human rights in armed conflicts,

Reaffirming that the continuation of colonialism in all its forms and manifestanions, as noted in General Assembly resolution 2621 (XXV) of 12 October 1970, is a crime and that colonial peoples have the inherent right to struggle by all necessary means at their disposal against colonial Powers and alien domination in exercise of their right of self-determination recognized in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Stressing that the policy of *apartheid* racial oppression has been condemned by all countries and peoples, and that the pursuing of such a policy has been recognized as an international crime,

Reaffirming the declarations made in General Assembly resolutions 2548 (XXIV) of 11 December 1969 and 2708 (XXV) of 14 December 1970 that the practice of using mercenaries against national liberation movements in the colonial Territories constitutes a criminal act,

Recalling the numerous appeals of the General Asembly to the colonial Powers and those occupying foreign territories as well as to the racist régimes set forth, *inter alia*, in resolutions 2383 (XXIII) of 7 November 1968, 2508 (XXIV) of 21 November 1969, 2547

(XXIV) of 11 December 1969, 2652 (XXV) of 3 December 1970, 2678 (XXV) of 9 December 1970, 2707 (XXV) of 14 December 1970, 2795 (XXVI) and 2796 (XXVI) of 10 December 1971 and 2871 (XXVI) of 20 December 1971, to ensure the application to the fighters for freedom and self-determination of the provisions of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Deeply concerned at the fact that, despite the numerous appeals of the General Assembly, compliance with the provisions of the said Conventions has not yet been ensured,

Noting that the treatment of the combatants struggling against colonial and alien domination and racist régimes captured as prisoners still remains inhuman,

Recalling its resolutions 2674 (XXV) of 9 December 1970 and 2852 (XXVI) of 20 December 1971, in which it pointed out the need for the elaboration of additional international instruments and norms envisaging, *inter alia*, the increase of the protection of persons struggling for freedom against colonial and alien domination and racist régimes,

Solemnly proclaims the following basic principles of the legal status of the combatants struggling against colonial and alien domination and racist régimes without prejudice to their elaboration in future within the framework of the development of international law applying to the protection of human rights in armed conflicts:

1. The struggle of peoples under colonial and alien domination and racist régimes for the implementation of their right to self-determination and independence is legitimate and in full accordance with the principles of international law.

2. Any attempt to suppress the struggle against colonial and alien domination and racist régimes is incompatible with the Charter of the United Nations, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples and constitutes a threat to international peace and security.

3. The armed conflicts involving the struggle of peoples against colonial and alien domination and racist régimes are to be regarded as international armed conflicts in the sense of the 1949 Geneva Conventions, and the legal status envisaged to apply to the combatants in the 1949 Geneva Conventions and other international instruments is to apply to the persons engaged in armed struggle against colonial and alien domination and racist régimes.

4. The combatants struggling against colonial and alien domination and racist régimes captured as prisoners are to be accorded the status of prisoners of war and their treatment should be in accordance with the provisions of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949.

5. The use of mercenaries by colonial and racist régimes against the national liberation movements struggling for their freedom and independence from the yoke of colonialism and alien domination is considered to be a criminal act and the mercenaries should accordingly be punished as criminals.

6. The violation of the legal status of the combatants struggling against colonial and alien domination and racist régimes in the course of armed conflicts entails full responsibility in accordance with the norms of international law.

B) Resolutions Adopted by the Security Council of the United Nations

1. Resolution 242

1382nd meeting, on 22 November 1967

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,

Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

1. *Affirms* that the fulfilment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

i. Withdrawal of Israel armed forces from territories occupied in the recent conflict;

ii. Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

2. *Affirms further the necessity*

(a) For guaranteeing freedom of navigation through international waterways in the area;

(b) For achieving a just settlement of the refugee problem;

(c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

3. *Requests* the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;

4. *Requests* the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

2. Resolution 509

2375th meeting, on 6 June 1982

The Security Council,

Recalling its resolutions 425 (1978) of 19 March 1978 and 508 (1982) of 5 June 1982,

Gravely concerned at the situation as described by the Secretary-General in his report to the Council,

Reaffirming the need for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries,

1. *Demands* that Israel withdraw all its military forces forthwith and unconditionally to the internationally recognized boundaries of Lebanon;

2. *Demands* that all parties observe strictly the terms of paragraph 1 of resolution 508 (1982) which called on them to cease immediately and simultaneously all military activities within Lebanon and across the Lebanese-Israeli border;

3. *Calls* on all parties to communicate to the Secretary-General their acceptance of the present resolution within 24 hours;

4. *Decides* to remain seized of the question.

C) Article 22 (4) of the Covenant of the League of Nations

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

D) Article 49 of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War (August 12, 1949)

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.

The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.

The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

Appendix I

Members Constituting the International People's Tribunal on the Israeli Invasion of Lebanon

SECRETARIAT
Chairpersons:
ODA Makoto (Author)
ITAGAKI Yuzo (Professor, Tokyo University)
Secretary General:
SHIBOH Mitsukazu (Journalist, Lecturer at Tokai University)

JURORS
From Japan
UTSUNOMIYA Tokuma (Member of the House of Councilors, President of the Jury)
BAE Dong Ho (Chairman of the Union of Overseas Koreans for Democracy and Unification, Korean residing in Japan)
HIRAYAMA Shoji (United Church of Christ of Japan, Pastor of Tokyo Yamate Church)
IE Masaharu (Professor of International Law, Kobe City University of Foreign Studies)
INOUE Kiyoshi (Professor Emeritus, Kyoto University, Historian)
ITOH Narihiko (Professor, Chuo University)
KASHIWAGI Hiroshi (Lawyer, Former President of the Japan Federation of Bar Associations)
KOHRA Rumiko (Poetess, Member of the Japan Afro-Asian Writers' Association)
LEE Fwe Song (Writer, Korean residing in Japan)
Douglas LUMMIS (Professor, Tsuda College, Political Scientist, American residing in Japan)
MORIKAWA Kinju (Lawyer, President of the Association of Democratic Lawyers)
MUTOH Ichiyo (Critic, Director of the Pacific-Asia Resources Center)
NAKAYAMA Chinatsu (Member of the House of Councilors)
NOMA Hiroshi (Writer)
OIKAWA Kazuo (Vice-President, General Council of Trade Unions of Japan [SOHYO])
OKAMOTO Yoshihiko (Film Director)
YOSHITAKE Teruko (Critic, Women's Activist)

From overseas
Roman BEDOR (Republic of Belau, Anti-Pollution Activist)
David DELLINGER (U.S.A., Peace Activist)
Rajendra Kumar GARG (India, Senior Advocate of the Supreme Court of India, General Secretary of the Krishna Menon Society)
Mazisi KUNENE (South Africa, Poet, Lecturer at the University of California)
Gordon MCINTOSH (Australia, Senator)
Joe NORDMANN (France, President of the International Association of Democratic Lawyers)
Eduardo del RIO (Mexico, Political Cartoonist)
RUI Mu (People's Republic of China, Professor of Law, Beijing University, Council Member of the Chinese Association for International Understanding, Deputy Director of the Law Research Institute of the Academy of Social Sciences of China)
Oljas SULEIMENOV (U.S.S.R., Poet, First Secretary of the Film Union of the Kazakstan Republic)
Warin WONGHANCHAO (Thailand, Professor of Economics, Chulalongkorn University)

ADVISORS & SPECIALISTS
Ahmad MATATLA (Algeria, Professor, Algiers University, Chairman of the Law Committee of the Algerian Parliament)
Louis MARTON (France, Publisher of *Israel & Palestine*)
HAYASHI Takeshi (Japan, Coordinator of the United Nations University)
SUNAMI Shunsuki (Japan, Lawyer)
Maxim GHILAN (Israel, Editor of *Israel & Palestine*)

INITIATORS & SUPPORTERS (Overseas)
Michael ADAMS (United Kingdom)
Seragio ANDREIS (F.R. Germany)
Mick ASHLEY (United Kingdom)
Roman BEDOR (Republic of Belau)
Amar BENTOUMI (International Association of Democratic Lawyers)
Martin BIRNSTINGL (United Kingdom)
A.N.BOSE (India)
Imco BROUWERE (Holland)
Ellen BRUN (Denmark)
Jeff BRYAN (U.S.A.)
Dennis CANAVAN (United Kingdom)
Bernt CARLSSON (United Kingdom)
Noam CHOMSKY (U.S.A.)
Peter O. CHOTJEWITZ (F.R. Germany)
Jack CLANCEY (Hong Kong)
Benjamin CRUZ (Guam)
Chris DALTON (United Kingdom)
Kalle ELONHEIMO (Finland)
Philippe FANCHETTE (France)
Colette GALLAND (France)
Johan GALTUNG (Norway)
R.K. GARG (India)
Luiz Eduardo GREENHALGH (Brazil)
Felix GUATTARI (France)
Peter HELLYER (United Kingdom)
Jacques HERSH (Denmark)
Teresa HOSKYNS (Italy)
Francois HOUTARTL (Belgum)
Joachim ISRAEL (Sweden)
K. JAYATILAKE (Sri Lanka)
Vivencio JOSE (Philippines)
Edmond JOUVE (France)
Kamol KHEMTHONG (Thailand)
KURODA Yasumasa (U.S.A.)
Martine LAMPAERT (Belgium)
Kate MAGUIRE (United Kingdom)
Sylvie MANTRANT (France)
MIYOSHI Masao (U.S.A.)
Subhas MUKHOPARDHAY (India)
S.J. NOUMOFF (Canada)
Cylil PERERA (Sri Lanka)
TAN Wah Piaw (Singapore)
Kricke RAUSEUS (Sweden)
Francois RIGAUX (Permanent Bureau of the International People's Tribunal)
Eduardo del RIO (Mexico)

Jenny TOGNONI (Italy)
Kwame TURE (U.S.A.)
Nirmal VERMA (India)
Luandino VIEIRA (Angola)
Ganga Prasad VIMAL (India)
Kashi Nath SINGH (India)
Hans WATSON (Costa Rica)
William WILSON (United Kingdom)
Warin WONGHANCHAO (Thailand)

INITIATORS & SUPPORTERS (Japan—members of the jury and secretariat not included)
ASUKATA Ichio (Chairman, Socialist Party of Japan)
DEN Hideo (President of the United Social Democratic Party)
DOI Takako (Member of the House of Representatives)
EGUCHI Bokuro (Professor Emeritus, University of Tokyo)
HIDAKA Rokuro (Professor, Seika University)
IROKAWA Daikichi (Professor, Tokyo Keizai University)
KIMURA Toshio (former foreign minister, Chairman of the Parliamentarian League for Japan-Palestine Friendship)
KINOSHITA Junji (Author)
KUNO Osamu (Philosopher)
KURINO Ohtori (Professor, Hiroshima University)
KUSAKAWA Shozo (Member of the House of Representatives)
MAKIEDA Motofumi (Chairman of the General Council of Trade Unions of Japan, SOHYO)
MIYAZAKI Shigeki (Professor, Meiji University)
NAKAJIMA Masaaki (General Secretary, United Church of Christ of Japan)
NAKATANI Busei (Chairman of the Japan-Arab Association)
SHIBATA Shingo (Professor, Hiroshima University)
SHIMIZU Sumiko (Secretary General of the Japan Women's Council)
TANAKA Sumiko (Member of the House of Councilors)
TANAKA Toshio (ex-member of the House of Representatives)

Appendix II

International People's Tribunal on the Israeli Invasion of Lebanon

PROGRAM

March 18-21, 1983 Tokyo

18 March (Zendentsu Kaikan)

OPENING SESSION
Welcoming Speeches
—ODA Makoto (Secretariat)
—ITAGAKI Yuzo (Secretariat)
—MAKIEDA Motofumi (Initiator)
Introduction of Jurors, Advisors, and Specialists
—SHIBOH Mitsukazu (Secretariat)
Speech from the Jury
—UTSUNOMIYA Tokuma: President of the Jury

FIRST SESSION: General purpose, means, and nature of the Israeli military action in Lebanon

(1) General Aspects of the Invasion, Violations of International Law
Chairpersons: Joe NORDMANN and RUI Mu
Jurors in charge of the session:* MUTOH Ichiyo, Eduardo del RIO, R. K. GARG

*Jurors were required to be present at all sessions. "Jurors in charge" had the right to ask the first questions.

Testimony
1. Tawfiq ZAYYAD
2. Amnon ZICHRONI

SECOND SESSION: General purpose, means, and nature of the Israeli military action in Lebanon

(2) Bombardment of Beirut, Weapons, Destruction of Cultural Institutions and Hospitals
Chairpersons: Oljas SULEIMENOV and NOMA Hiroshi.
Jurors in charge of the session: INOUE Kiyoshi, Roman BEDOR, YOSHITAKE Teruko, NAKAYAMA Chinatsu

Testimony
1. Franklin LAMB
2. Albert FARHAT
3. Franco CANCELLIERI
4. Asad 'ABD AL-RAHMAN

Screening of the film "Determination" produced by the Palestine Red Crescent Society

19 March (Zendentsu Kaikan)

THIRD SESSION: Treatment of the civilian population during the Israeli invasion and the current status of occupied Lebanon
Chairpersons: BAE Dong Ho and OIKAWA Kazuo,
Jurors in charge of the session: Douglas LUMMIS, OKAMOTO Yoshihiko, ITOH Narihiko

Testimony
1. Troy RUSLI
2. Steinar BERGE
3. Jamal SURANI
4. Ghassan SAFI AL-DIN

FOURTH SESSION: The attack on West Beirut and the Sabra-Shatila massacres
Chairpersons: MORIKAWA Kinju and Gordon MCINTOSH
Jurors in charge of the session: KOHRA Rumiko, LEE Fwe Song, HIRAYAMA Shoji
Screening of the film "Beirut: 1982," Nunokawa Productions (shot by HIROKAWA Ryuichi)

Testimony
1. HIROKAWA Ryuichi
2. Franklin LAMB
3. Jamal SURANI
4. NAGAKURA Hiromi
5. Ellen SIEGEL
6. Troy RUSLI

FIFTH SESSION: Suppression of human rights in Israel and the Occupied Territories
Chairpersons: David DELLINGER and KASHIWAGI Hiroshi
Jurors in charge of the session: MORIKAWA Kinju, IE Masaharu, Mazisi KUNENE

Testimony
1. Felicia LANGER

20 March (YWCA Hall)

FIFTH SESSION (continued)

Testimony
2. Raymonda TAWIL
3. Amnon ZICHRONI
4. Mamduh ADWAN

Jurors consider evidence at Sohyo Kaikan (closed to the public)

21 March (YWCA Hall)
Jurors consider evidence at Sohyo Kaikan (closed to the public)

CLOSING SESSION
Speeches from the Secretariat
—ITAGAKI Yuzo
—SHIBOH Mitsukazu
Reading of the judgment in Japanese
—UTSUNOMIYA Tokuma and ITOH Narihiko.
Reading of the judgment in English
—David DELLINGER and Douglas LUMMIS
Reading of the appeal in English
—David DELLINGER
Speech on behalf of the jurors
—UTSUNOMIYA Tokuma: President of the jury

Press Conference
Address from the Secretariat
—SHIBOH Mitsukazu
—ODA Makoto
Remarks of Jurors. Advisors and Specialists on the Judgment and Appeal
Closing Remarks of the Tribunal
—Gordon MCINTOSH

Appendix III

List of References Prepared by the Secretariat for the Jury

I. ISRAELI PRACTICES AGAINST THE LEBANESE AND PALESTINIAN PEOPLES —The Report of the International Commission of Inquiry into Israeli Crimes Against the Lebanese and Palestinian Peoples (the Cyprus Commission report), London, 1982.

II. ISRAEL IN LEBANON—The Report of the International Commission to Enquire into Reported Violations of International Law by Israel During its Invasion of the Lebanon (the MacBride Commission report), London, 1983.

III. FINAL REPORT OF THE COMMISSION OF INQUIRY INTO THE EVENTS AT THE REFUGEE CAMPS IN BEIRUT (the Kahan Commission report), 1983—as published in the *Jerusalem Post*, February 9, 1983.

IV. REPORT OF THE SECOND SESSION (February 27 to 28, 1983) OF THE INTERNATIONAL COMMISSION OF INQUIRY INTO ISRAELI CRIMES AGAINST THE LEBANESE AND PALESTINIAN PEOPLES

V. MATERIALS FOR THE INTERNATIONAL PEOPLE'S TRIBUNAL ON THE ISRAELI INVASION OF LEBANON—Vol.I (Legal Materials)

CONTENTS

1. Universal Declaration of Human Rights (1948)
2. International Covenants on Human Rights (1966)
3. Déclaration des Droits de l'Homme et du Citoyen (1789)
4. Declaration of Independence (U.S.A., 1776)
5. Declaration of Independence (Vietnam, 1945)
6. Algiers Declaration of the Rights of People (1976)
7. Charter of the International Military Tribunal (Nuremberg)
8. Judgement of the International Military Tribunal (Nuremberg)
9. Charter of the International Military Tribunal for the Far East
10. Conclusion of the Tokyo Tribunal on American War Crimes in Vietnam and on the Commitment of the Japanese Government and Business Circles (1967) (in Japanese)
11. Convention on the Non-Applicability of Statutory Limitations of War Crimes and Crimes against Humanity (1968)
12. Preamble of the Constitution of Japan (1946)
13. Charter of the United Nations (1945)
14. Definition of Aggression—as in Resolution 3314 of the General Assembly of the United Nations (1974)
15. Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations adopted by the General Assembly of the United Nations (1970)
16. Convention on the Prevention and Punishment of the Crime of Genocide (1948)
17. Geneva Conventions (1949): III. Relative to the Treatment of Prisoners of War, IV. Relative to the Protection of Civilian Persons in Time of War
18. Hague Conventions (1907): IV. Respecting the Laws and Customs of War on Land, IX. Concerning Bombardment by Naval Forces in Time of War
19. Hague Rules of Aerial Warfare (1923)
20. Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954)

21. Protocols Additional to the Geneva Conventions of 12 August 1949 (1977): I. Relating to the Protection of Victims of International Armed Conflict, II. Relating to the Protection of Victims of Non-International Armed Conflicts
22. Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (1981)

VI. MATERIALS FOR THE INTERNATIONAL PEOPLE'S TRIBUNAL ON THE ISRAELI INVASION OF LEBANON—Vol. 2 (Documents of the United Nations Concerning the Events in 1982)

CONTENTS

1. Resolutions adopted by the Security Council (on the question of Palestine, from June to September 1982):
   Resolutions 508 (5 June), 509 (6 June), 511 (18 June), 512 (19 June), 513 (4 July), 515 (29 July), 516 (1 August), 517 (4 August), 518 (12 August), 519 (17 August), 520 (17 September), and 521 (19 September).
2. Resolutions adopted by the General Assembly (on the question of Palestine, from April to December 1982):
   Resolutions ES-7/4 (28 April), ES-7/5 (26 June), ES-7/6 (19 August), ES-7/7 (19 August), ES-7/8 (19 August), ES-7/9 (24 September), 37/123 A-E (16 December), and 37/123 F (20 December).
3. Provisional verbatim records of the meetings of the Security Council (on the question of Palestine, from June to September): S/PV. 2380 (19 June), S/PV. 2382 (4 July), S/PV. 2385 (29 July), S/PV. 2386 (1 August), S/PV. 2388 (4 August), S/PV. 2390 (6 August), S/PV. 2391 (6 August), S/PV. 2392 (12 August), S/PV. 2394 (16 September), S/PV. 2395 (17 September), and S/PV. 2396 (19 September).
4. Provisional verbatim record of the meeting of the General Assembly (on the question of Palestine, on 24 September 1982): A/ES-7/PV. 32 (25 September).
5. Report of the Secretary General (on the question of Palestine): A/37/525 (12 October 1982).
6. Seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel (Organized by the United Nations Center for Human Rights, Geneva, Switzerland, 29 November to 3 December 1982. ST/HR/SER. A/14, New York, 1982).

Appendix IV

Fundamental Principles (Draft) of the International People's Tribunal on the Israeli Invasion of Lebanon

The Fundamental Principles (Draft) was prepared by the secretariat merely as a basis for discussion by members of the tribunal. It is reprinted here to clarify the concept, structure, and operation of the tribunal, as it was first conceived.

1) The fundamental principle upon which the International People's Tribunal is conceived is that all the peoples of the world, no matter to what state or nation they belong, have the right to live a life based on peace, freedom, equality, and the principle of self determination, free from assaults on their lives and their dignity as human beings. We believe that when the rights peculiar to human beings are threatened or violated, whether by the state or by any other entity or persons, the people have the right, in the name of justice and humanity, and by their own hand, to make a full investigation of the nature and structure of the allegedly unjust act and of the crimes of its perpetrator; determine the relative merits of the case; and deliver their own judgment. This is not only the people's right, it is also their duty as human beings. Today, when fully appropriate and effective means for preventing and punishing crimes committed by states against peoples of other countries or nations do not exist, the exercise of this right is especially important.

2) The International People's Tribunal has no means of physical coercion to enforce its decision. What it can deliver is not a sentence, but a judgment. This judgment, together with the grounds for making it, is laid before the people of the world, who then may form their own judgment and act on that basis. Thus the International People's Tribunal may be seen as a part of the process by which the people exercise their rights.

The judgment will be arrived at through discussion among those members of the tribunal designated as jurors. The jurors will form their judgment after hearing those who serve as witnesses and receiving counsel from those who serve as technical advisors. The judgment so formed will be presented to the people of the world as the judgment of the tribunal as a whole.

In the process of human history, the governments of the world have, through international organizations, produced charters, declarations and treaties which, although different in form and character, embody various universal standards. These shall be the primary legal basis of the judgment reached by this tribunal. Among these documents are the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Charter of the International Military Tribunal (Nuremberg), the Charter of the International Military Tribunal for the Far East, and the Convention on the Prevention and Punishment of the Crime of Genocide.

The second element constituting the juridical basis of the tribunal's judgment shall be those normative instruments, such as the Universal Declaration of the Rights of Nations adopted in Algiers in 1976, which have been produced through the efforts of those who have stood on the side of the world's people and sought to raise justice, human rights, and law to the level of principles which apply to all, and transcend state, nation, ethnic group, and class.

Further, the tribunal may also use as a basis for its judgment the constitutions and fundamental laws of individual countries, to the extent that they formulate a desire for justice, human rights, and the rule of law as principles which are universal or ought to be universalized. Examples are the Japanese Constitution, the U.S. Declaration of Independence, and the French Declaration of the Rights of Man and Citizen. This entails reevaluating these documents as standards upon which all the people of the world may depend.

However, the jury will not form its judgment only on a limited legal basis. In this sense, the jury members are decidedly different from judges in an ordinary judicial procedure. Behind them stands the entire effort of the people of the world to establish justice, human

rights, and law as universal principles. The products of other intellectual efforts—philosophical, literary, research—insofar as they are the fruits of human wisdom working to establish a foundation for justice, may also be used by the tribunal, constituting what could be called the human or popular basis of its judgment. Based on the above mentioned juridical principles, in consideration of the evidence presented by the witnesses, and in the light of relevant human and popular wisdom, jury members should make their judgment by exercising ordinary good sense, and with reference to their own aspirations that justice, human rights, and rule of law be made universal for humankind.

The tribunal will also give full consideration to the results of the inquiries of the several investigative commissions which have already been established in connection with possible violations of international law during the Israeli invasion of Lebanon.

3) The International People's Tribunal is, as its name implies, a tribunal of the people. This does not only mean that it is financed, organized, and conducted by the people. It also means that the members of the jury, although from different countries, do not participate as representatives of their respective states but each as free individuals and members of the world community.

What matters here is that the tribunal's legitimacy derives from principles which have been formulated through the struggle of the world's peoples to universalize justice, human rights, and law. In matters of justice, rights, and law, differences arising from national boundaries, nationality, or ethnic origin are impermissible. In this sence, a people's tribunal must, of necessity and in principle, be an international tribunal. Nor may considerations of justice, rights, and law be influenced by social differences such as class, rank, sex or occupation. It is this axiom which dictates that the tribunal use the jury system.

4) The tribunal comprises five categories of participant: jurors, witnesses, specialists serving as technical advisors, volunteers doing organizational and clerical work, and the most important component, the people.

The jury has already been described, and there is no need to explain in detail the role of witnesses and technical advisors. The jury will include no one who is a party to the events under examination. Witnesses, on the other hand, will not be limited to those party to the events—Palestinians, Lebanese, and Israelis—but will also include a variety of specialists.

However, the most important factor in the constitution of this tribunal is the participation of the people. Of course only a small number of people will actually participate in or attend the tribunal proceedings. However, it is to the people that the judgment of the tribunal is addressed, and it is the people who, the tribunal hopes, will use this judgment as a basis or aid for making their own judgment, and subsequently, taking their own course of action.

But whether or not the people, having scrutinized and formed their own conclusions of the judgment, take further action on the matter depends entirely upon their own discretion. Put differently, the people have the right to pass judgment on the tribunal itself. If the people conclude the tribunal's judgment is mistaken, they will not use it as a basis for forming their own judgment or taking action. In this sense, the people are the most important constituent element in the tribunal.

5) As described above, the tribunal has its own particular logic; it is not a mock trial seeking to imitate the legal procedures of an ordinary court of law. Here there is neither a prosecutor to prosecute the crime, a judge to pass sentence, nor a counsel to defend the accused. Moreover, while the tribunal does not seek the presense of the accused, it is not its deliberate intention to render a default-judgment. The Israeli invasion of Lebanon is a fully established fact, and it is to examine this fact that the tribunal has been convened. It can be said that the indictment is inherent in the tribunal's very existence. The absence of a judge has already been mentioned. As for the absence of a defense counsel, our thinking is as follows: The Israeli authorities, who planned and executed the military action in Lebanon, have already offered, through the world's communications media, their explanations as to why the action was justified or unavoidable. In addition, the fact that the judgment of the people is the most important element in the tribunal's judgment means that feedback,

essential to any court decision, will function even more positively than usual. The absence of the defendant from the courtroom is explained by the fact that it is not the tribunal's aim to call the defendant before it and pass sentence.

We do not consider the structure of the tribunal as described above to be the best possible. We do not offer it as a model for other international people's tribunals that may be established to deal with future problems. Our belief that it is the best format under the present circumstances is based on the experience of recent commissions which have been established to investigate the Israeli invasion of Lebanon and also the experience of earlier efforts, such as the Russell Tribunal, which were made in connection with the Vietnam War.

It is not the aim of this tribunal to identify and sentence war criminals responsible for the Israeli invasion of Lebanon. Rather its object of inquiry is all those acts which, and actors who, in connection with the invasion, have violated and are violating fundamental human rights, including the right of national self-determination. The tribunal also seeks to analyze critically the mechanisms and processes through which the war was started, pursued, and rationalized.

6) The tribunal will take up two matters for consideration and judgment: 1) the clarification of the truth about the Israeli invasion of Lebanon, and 2) the right of national self-determination of the Palestinians. Concerning 2), the tribunal will make a judgment concerning whether or not the Israeli invasion of Lebanon is a violation of that right.

7) Based on the principles described above, we believe that the tribunal should pass judgment on the Israeli invasion of Lebanon with regard to the following four points:

1. Crimes against peace
2. Conventional war crimes: namely, violations of the laws or customs of war
3. Crimes against humanity
4. Violation of the right of national self-determination.

POSTSCRIPT

"Why should the Japanese be concerned with the Middle East? Tokyo is almost as far from Tel Aviv as from Paris, Japan bears responsibility neither for the Holocaust nor for the creation of the State of Israel, and that country's citizens have no apparent ideological proximity to the Palestinian resistance. Thus, a European Jew has to go as far as Tokyo to discover the reasons for Japan's concern.

"If Japan is on the *other* side of Asia, it is still *in* Asia. The intellectuals, politicians, and trade union leaders I met were all conscious of being Asians and their frame of reference is the Third World, of which they are, part and parcel. Japan's economic superiority over the rest of Asia, and indeed over the rest of the world, is quite evident and if the Japanese dare not pretend to political-intellectual leadership, it is mainly a result of their experiences during World War II.

"In fact, the Japanese have their own guilt complex related in large part to Korea and Manchuria. If their treatment of Koreans and Manchurians cannot be reasonably compared to what the Germans did to Jews, Poles, and Gypsies, it was cruel enough to mark the new generation. . . . And the Japanese domestic holocaust is simply called Hiroshima.

"Introverts, the Japanese use understatements when talking about the bomb, but feelings of anti-Americanism soon surface. Since they 'paid' for the cruel imperialism of old Japan with Hiroshima, Nagasaki, and Tokyo (which burned in the last days of the war, leaving several hundred thousand people in its ruins), young Japanese have no inclination to feel indebted to anyone."

Louis Marton's eloquent summary* of the impressions he gleaned while in Tokyo to attend the International People's Tribunal

**Israel & Palestine*, April-May, 1983

on the Israeli Invasion of Lebanon expresses what many Japanese may feel about their place in the world but would probably be reluctant to put so cogently on paper. Why organize an international conference on the problem of Palestine in Japan, which lies a world away from the Middle East?

Japanese are used to hearing themselves described abroad as "economic animals" or robotic workaholics committed to making their country Number One, whatever the cost to other nations. Curiously, some political and business leaders, both here and in foreign capitals, have concluded that Japan's economic might should now be projected into the political and military spheres. Their arguments are often couched in high-sounding abstractions, such as "collective security," "Pacific community," or "shared destiny." Certain countries are advocating that Japan rearm rapidly and assume its fair share of the burden of sustaining the "Western alliance."

But there are other voices in Japan. Today, 38 years after Hiroshima and Nagasaki, the world's burgeoning nuclear arsenal is capable of destroying humanity and every living thing on this planet 30 times over. Alone among the peoples of the world to have experienced the nuclear holocaust, many Japanese are working to abolish nuclear weapons. It has also been 38 years since the International Military Tribunal for the Far East put Japanese leaders on trial for war crimes committed in Asia during World War II. The Tokyo war crimes tribunal was conducted by the victors, however, not by the Japanese people, who remained passive spectators. The times have changed. Alarmed at the drift toward military confrontation in Asia and elsewhere, Japanese committed to social justice and world peace are making themselves an active part of the peace process. The IPTIL is one sign of this commitment.

Why organize, in Tokyo, an international inquiry into the Israeli invasion of Lebanon? Because, to paraphrase Mamduh Mustafa Adwan, we, too, are determined to share in the human responsibility for what happens to our world, to our humanity, to our collective conscience. That is the role we want our country to play in the world political arena.

The concept of an international people's tribunal was conceived at the height of the Indochina war. The Russell Tribunal, named after Bertrand Russell, its initiator, was convened in 1967 in Stockholm to pass judgment on U.S. war crimes committed in Vietnam. The political situation in the Middle East, and the Palestinian question in

particular, offer few close parallels to the war in Indochina. Nevertheless, the IPTIL stands on common ground. No government authorized us to hear evidence on the Israeli invasion of Lebanon and render a judgment based on that evidence. The IPTIL was careful not to confuse the tribunal with a court of justice, which it is not. We invited witnesses and jurors, but there was no prosecutor, no counsel for the defense. Most important, it is the people who learn of the tribunal and its findings—not a state or self-appointed omnipotent authority—that will carry out the "sentence" should the evidence gathered here be judged compelling and the "verdict" appropriate. The popular response to the IPTIL alone will determine the tribunal's success or failure.

The IPTIL is not the only international inquiry to have examined the Israeli invasion of Lebanon. Hearings were conducted in Nicosia, Cyprus in mid-August 1982, while the invasion was still in progress, and the Sean MacBride Commission, organized in September of the same year, looked into reported Israeli war crimes. The outrage and betrayal felt by the Israeli people when news of the Sabra and Shatila atrocities broke finally forced even their government to set up its version of an inquiry, the Kahan Commission, which purported to determine the extent of Israel's complicity in the massacres.

These inquiries were held essentially to document the invasion and its aftermath and determine if international law had been violated. No attempt was made to render an overall judgment on Israel's conduct of the war. The IPTIL was convened to reach just such a decision. But the tribunal did not simply examine the evidential record and the social and political background of the invasion; it sought to probe the human dimensions of the Lebanese tragedy. For all these reasons, jurors and advisors representing a broad spectrum of political, ethnic, and occupation backgrounds were summoned to Tokyo from 14 countries. Among them were poets, jurists, peace activists, labor leaders, film makers, and feminists. The prominent place given to the jurors' comments at the close of the tribunal reflects the concern of IPTIL that its judgment be rendered by men and women from different walks of life, not only by Middle East specialists, statesmen, and social scientists.

The IPTIL took particular care to invite Palestinians and Israeli Jews as well as Lebanese and others who experienced the invasion firsthand. One of the most moving moments of the tribunal came during the press conference organized to announce the judgment on March 21. In a tense atmosphere created by what appeared to be a

clash of views concerning Zionism, the following exchange took place:

Jamal SURANI: We are human beings. We cannot continue the savage treatment of innocent [Palestinian and Arab] people who never harmed a single Jew. When the Jews were discriminated against in Europe, they always found asylum in Palestine and the rest of the Arab world. The problem began with the Zionist movement. We can therefore distinguish between Zionism and Jewry.

Amnon ZICHRONI: Palestinians must understand that the way to peace, or the right way to peace, the only chance for peace, is to find a way to make peace with Israel as a Zionist country! I have many criticisms of the Zionist movement. But Israel is a Zionist state. Of course, the peace forces are not strong enough. But we must convince the Israelis, our Zionists, that peace is the only way [for them to survive]. I hope we will succeed.

Felicia LANGER: We are fighting for peace together with Mr. Zichroni. He defends Palestinians and others, and on that point, we have no differences. But I don't agree with Mr. Zichroni's description of the ideological aspect of the state of Israel. I'm not a Zionist, yet I live in the state of Israel. The self-determination of the Jewish people in Israel is not synonymous with Zionism in my opinion. Israeli patriotism is not Zionism. There are many thousands of Israelis who are not Zionists and who have a very bad opinion of Zionism. . . . For me, the most important message in the [IPTIL] judgment is this: The Israeli people as a whole are not responsible for the crimes of their rulers. This is reflected in the [tribunal's] appeal to progressive forces [in Israeli society]. The only rejectionists in the Middle East, [those] who say no to Palestinian self-determination and even no to the Palestinians as a people, are the Israeli ruling circles, not anyone else. . . .

SURANI: I don't think there are any real differences between me and Mr. Zichroni. When we [Palestinians] say we are against Zionism, we mean we are against aggression, racism, expansionism, imperialism, U.S. imperialism, and intervention in our homeland. I believe Mr. Zichroni is against all of these, too. It doesn't make any difference whether he calls himself a Zionist [or anything else]. Second, if Mr. Zichroni is for the inalienable rights of the Palestinian people, their right to self-determination and statehood, then I don't care what Zionism means to him, or to me. . . .

Following this exchange, the tension in the room subsided. Was it a carefully rehearsed piece of political theater? Perhaps so. But those of us present felt the electricity in the air. Because it touched one of the most crucial aspects of the Israeli-Palestinian problem, the repartee was revealing and seemed to hold out hope of a genuine dialogue between the two peoples.

The response to the international people's tribunal among Jews and Palestinians has been encouraging. Louis Marton, who lost both parents at Auschwitz, writes in *Israel & Palestine,* "Emphasis was put on determining the difference between the rulers of Israel and its people, on one hand, and between Israelis and Jews, on the other. I was surprised to discover that an impressive number of Jews participated in the tribunal's activities, as did two Israeli citizens. Honesty and a desire for objectivity only underscored the disaster that the invasion of Lebanon has been for Israel. . . . I had to go as far as Tokyo to learn what operation "Peace for Galilee" was about; to learn how banal was the evil committed by Israeli soldiers who are ordinary people like you and me."

The Popular Front for the Liberation of Palestine's *PFLP Bulletin* (Spring 1983, No. 66) reprinted the IPTIL judgment with the following comments: "The success of the tribunal is also considered . . . a success for us in the Palestinian revolution. By contributing to the international exposure of Zionist crimes, the tribunal represents another step forward in broadening solidarity with the Palestinian people and struggle."

The effectiveness of IPTIL in arming world opinion and providing a basis for concerted international action to prevent new Lebanons depends largely on its credibility. In order to protect the tribunal's independence, the organizers took pains to insure that financial contributions were free of political, religious, or organizational ties likely to compromise the objectivity of the hearings. In December 1982, approximately 20,000 letters were sent out in Japan asking for private donations. The secretariat received a total of $87,000, which was used to finance all aspects of the tribunal's work.

The IPTIL would not have been possible without the selfless efforts of more than 100 unpaid volunteers who staffed the secretariat throughout the proceedings. All of them made personal sacrifices, some interrupting careers for nearly one year, to insure that the work of organizing the tribunal went smoothly. The participation of 1,050 observers of many nationalities was also an important factor in IPTIL's success. The following people worked to produce the official

proceedings of the tribunal: AIHARA Makoto, IDA Tetsuichi, KAIHO Taira, NISHIMURA Toru, Nina RAJ, Robert RICKETTS, SAGARA Shotaro, SHIBOH Mitsukazu, SHIBATA Ikuko, and SONO Misako.

War continues to bring new suffering and destruction to the Middle East. The question of Palestine holds the key to peace in the region. Because of its politically volatile character, the Palestinian tragedy also has a direct bearing on world peace. Only the wisdom and collective efforts of all humanity can find a just solution to this problem and bring lasting respite from war to this troubled land. We hope that the IPTIL will take us one step closer to this goal.

SHIBOH Mitsukazu

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